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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

OFFICE OF DEFENSE MOBILIZATION

Effective upon publication in the FEDERAL REGISTER, a new § 6.158 is added as set out below:

§ 6.158 *Office of Defense Mobilization.* (a) Not to exceed 25 positions.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51-849; Filed, Jan. 17, 1951; 8:55 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.119]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following November 25, 1950, paragraph (a) is amended by the addition of the following posts:

Mayaguana Island, Bahamas.
Grand Bahama Island, Bahamas.
Eleuthera Island, Bahamas.
San Salvador, Bahamas.

2. Effective as of the beginning of the first pay period following December 23, 1950, paragraph (b) is amended by the addition of the following posts:

Madagascar, except Tananarive.
Philippines, all posts except Baguio, Cagayan, Cebu, Davao, Iloilo, Legaspi, Subic Bay, Tacloban, Tubabao (Guiuan), and Zamboanga.
Praha, Czechoslovakia.

3. Effective as of the beginning of the first pay period following December 23, 1950, paragraph (d) is amended by the deletion of the following post:

Praha, Czechoslovakia.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

JANUARY 12, 1951.

[F. R. Doc. 51-848; Filed, Jan. 17, 1951; 8:55 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T, Supp.]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

MAXIMUM LOAN VALUE AND MARGIN REQUIRED FOR SHORT SALES IN GENERAL ACCOUNTS

1. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the act in the light of increased inflationary pressures and the general credit situation.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the 30-day prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262 of this chapter).

2. Effective January 17, 1951, § 220.8 (Supplement to Regulation T) is hereby amended to read as follows:

§ 220.8 *Supplement*—(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 25 percent of its current market value.

(Continued on p. 455)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

(b) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (d) (3), as margin required for short sales of securities (other than exempted securities) shall be 75 percent of the current market value of each such security.

(Sec. 11, 38 Stat 262; 12 U. S. C. 248. Interprets or applies secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901 as amended; 15 U. S. C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-927; Filed, Jan. 16, 1951; 4:20 p. m.]

[Reg. U, Supp.]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

MAXIMUM LOAN VALUE OF STOCKS

1. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the act in the light of increased inflationary pressures and the general credit situation.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the 30-day prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262 of this chapter).

2. Effective January 17, 1951, § 221.4, (Supplement to Regulation U) is hereby amended to read as follows:

§ 221.4 *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 25 percent of its current market value, as determined by any reasonable method.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-926; Filed, Jan. 16, 1951; 4:20 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 62]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

A Bethany Beach, Delaware, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
BETHANY BEACH (Washington Chart).	Beginning at lat. 38°36′50″ N, long. 74°59′50″ W; southerly paralleling the shoreline at a distance of 3 nautical miles to lat. 38°23′05″ N, long. 74°59′35″ W; westerly following the arc of a circle with a radius of 20,000 yards centered at lat. 38°32′30″ N, long. 75°03′15″ W to lat. 38°22′40″ N, long. 75°01′35″ W, N to lat. 38°32′30″ N, long. 75°03′15″ W; NE to lat. 38°36′50″ N, long. 74°59′50″ W, point of beginning.	Unlimited	Continuous	1st Army Ground Forces.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 15, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-813; Filed, Jan. 17, 1951; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Rev. of May 10, 1949, Amdt. 13]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Civil Aeronautics Administration as follows:

1. Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 *Project costs.* * * *

(c) *United States share of project costs.* * * *

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES' PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	60.97	Oklahoma	51.38
California	54.14	Oregon	56.05
Colorado	53.30	South Dakota	53.06
Idaho	55.48	Utah	61.89
Montana	53.51	Washington	51.78
Nevada	62.50	Wyoming	57.46
New Mexico	57.01		

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of installing high intensity run-

way lighting on runways designated as instrument landing runways.

2. By deleting § 550.4 (c) (2).

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. and Sup. 1101–1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–814; Filed, Jan. 17, 1951; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52644]

PART 16—LIQUIDATION OF DUTIES

DETERMINATION OF INTERNAL-REVENUE TAXES ON DISTILLED SPIRITS

The example in the first sentence of § 16.2 (b), Customs Regulations of 1943 (19 CFR 16.2 (b)), as to the disposition of fractions in determining internal-revenue taxes in connection with distilled spirits imported in barrels, kegs, or similar containers, is based on internal-revenue regulations which have been superseded by the Internal Revenue Gauging Manual of 1950. The said § 16.2 (b) is therefore amended to bring it into harmony with current requirements by changing the semicolon in the first sentence to a period and deleting the balance of the sentence.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: January 10, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51–818; Filed, Jan. 17, 1951; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 3853]

PART 145—OPERATIONS

WITHDRAWALS

JANUARY 12, 1951.

Resolved that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), notice and public procedure having been duly afforded (15 F. R. 8857), § 145.4 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.4), is hereby amended, effective February 17, 1951, to read as follows:

§ 145.4 *Withdrawals.* When a Federal association that has a Charter N is unable to pay all withdrawal requests within a period of 30 days from the date of receipt of written request therefor, the association shall then number and file all withdrawal requests in the order received and shall proceed in the following manner while any withdrawal request remains unpaid for more than 30 days:

Withdrawal requests shall be paid in the order received and if any holder of a savings account or accounts has requested the withdrawal of more than $1,000, he shall be paid $1,000 in order when reached and his withdrawal request shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of withdrawal requests, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the withdrawal value of his savings account, and until such withdrawal request shall have been paid in full, shall continue to be so paid, renumbered, and replaced at the end of the withdrawal requests on file: *Provided,* That when any such request is reached for payment, such association shall so advise the holder of such savings account by registered mail to his last address as recorded on the books of the association and, unless such holder shall apply in person or in writing for the payment of such withdrawal request within 30 days from the date of the mailing of such notice, no payment on account of such withdrawal request shall be made and such request shall be cancelled: *And provided further,* That the board of directors shall have absolute right to pay on an equitable basis an amount not exceeding $200 to any holder of a savings account or accounts in any calendar month and without regard to any other provision of this section.

When a Federal association that has a Charter N is unable to pay all withdrawal requests within a period not exceeding 30 days from the date of receipt of written request therefor it shall allot to the payment of such requests the remainder of the association's receipts from all sources after deducting from total receipts appropriate amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of savings accounts, and a fund for general corporate purposes equivalent to not more than 20 percent of the Association's receipts from holders of its savings accounts and from its borrowers.

(Sec. 5, 48 Stat. 132, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4891, 3 CFR 1947 Supp.; 61 Stat. 954; 12 U. S. C. and Sup.; 1464, 5 U. S. C. Sup., 133y–16 note)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51–855; Filed, Jan. 17, 1951; 8:56 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5826]

PART 143—TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

TAX ON TRANSPORTATION WHICH BEGINS AND ENDS IN UNITED STATES

In order to conform Regulations 113 (26 CFR Part 143), relating to the tax on the amount paid for the transportation of property, to the Revenue Act of 1950 (Pub. Law 814, 81st Cong., 2d Sess.), approved September 23, 1950, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 143.10 the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES REVENUE ACT OF 1950 (PUBLIC LAW 814, 81ST CONGRESS, 2D SESSION), APPROVED SEPTEMBER 23, 1950).

* * * * * *

(b) *Transportation of property.* The first sentence of section 3475 (a) (relating to tax on transportation of property) is hereby amended to read as follows: "There shall be imposed upon the amount paid within or without the United States for the transportation of property by rail, motor vehicle, water, or air from one point in the United States to another, a tax equal to 3 per centum of the amount so paid, except that, in the case of coal, the rate of tax shall be 4 cents per short ton."

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this act for transportation which begins on or after such first day.

PAR. 2. Section 143.11 is amended to read as follows:

§ 143.11 *Scope of tax.* Section 3475 (a) imposes a tax upon (a) amounts paid within the United States after December 1, 1942, for transportation, originating on or after such date, of property by rail, motor vehicle, water, or air from one point in the United States to another, and (b) amounts paid without the United States, on or after November 1, 1950, for transportation, originating on or after such date, of property by rail, motor vehicle, water, or air from one point in the United States to another. The tax applies only to amounts paid to a person engaged in the business of transporting property for hire.

PAR. 3. Section 143.13 (a), as amended by Treasury Decision 5354, approved April 1, 1944, is further amended as follows:

(A) By inserting in the second undesignated paragraph immediately following the word "within" the words "or without."

(B) By amending the fourth undesignated paragraph to read as follows:

With respect to amounts paid within the United States, the tax applies only to amounts paid after December 1, 1942, for transportation which originated on or after that date. No tax attaches to payments for transportation originating

prior to the first moment of December 1, 1942. Payments made prior to December 2, 1942, are not taxable regardless of when the transportation occurs.

With respect to amounts paid without the United States, the tax applies to amounts paid on or after November 1, 1950, for transportation originating on or after that date.

(C) By inserting at the end thereof the following paragraph:

Where a payment covering the entire movement of property from a point without the United States to a point within the United States is made to the originating carrier or freight forwarder outside the United States and such carrier or freight forwarder pays an amount within the United States for that part of the transportation movement which takes place within the United States, a statement to the effect that the transportation within the United States is part of a transportation movement from without the United States and that payment covering the entire movement was made outside the United States shall be endorsed on the appropriate shipping papers. Such endorsement shall constitute authority to the carrier within the United States not to collect the tax.

PAR. 4. Section 143.30 is amended by striking from the first sentence the words "in the United States".

Because of the short period of time between September 23, 1950, the date of approval of the Revenue Act of 1950, and November 1, 1950, the date upon which, pursuant to such act, the amendment of section 3475 (a) becomes effective, it is found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 423, as amended, 467; 26 U. S. C. 3472, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: January 12, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-853; Filed, Jan. 17, 1951; 8:56 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[Dept. Circ. 881]

PART 250—PAYMENT ON ACCOUNT OF AWARDS OF THE INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES

GENERAL PROVISIONS

EXECUTION OF VOUCHERS

PAYMENTS

POWERS OF ATTORNEY

ADDITIONAL EVIDENCE

AMENDMENT OF REGULATIONS

AUTHORITY: §§ 250.1 to 250.10 issued under R. S. 161, sec. 7, Pub. Law 455, 81st Cong.; 5 U. S. C. 22.

GENERAL PROVISIONS

§ 250.1 *Authority for regulations.* The following regulations governing payment on account of awards of the International Claims Commission of the United States are issued under authority contained in section 161 of the Revised Statutes (5 U. S. C. 22) and section 7 (a) of the International Claims Settlement Act of 1949 (Public Law 455, 81st Congress, approved March 10, 1950 (64 Stat. 16; 22 U. S. C. 1626)).

§ 250.2 *Forms.* The forms referred to in this section should be used in connection with the payment of awards hereunder. Voucher applications and other necessary forms for all payments will be mailed to awardees by the Division of Investments, Bureau of Accounts, Treasury Department, without request therefor by awardees.

§ 250.3 *Authentication.* All copies of records and documents submitted in connection with the execution of voucher applications must be properly authenticated.

EXECUTION OF VOUCHERS

§ 250.4 *Voucher applications.* No payment of any part of the amount due on account of an award will be made unless a voucher application therefor properly executed (preferably in ink or indelible pencil) is received by the Treasury Department. A voucher application for each payment on account of an award must be executed by each person whose name appears on such voucher application as payee. Each such person must sign the voucher application and verify it by an affidavit sworn to before an officer authorized by law to administer oaths. If executed abroad the affidavit must be sworn to before a diplomatic or consular officer of the United States or, if such officer is not available, before any officer authorized by the laws of the foreign country to administer oaths, whose official character and jurisdiction must be certified by a United States diplomatic or consular officer. In the case of a corporation the voucher application must be signed by the appropriate officer or officers thereof having authority to do so, who must verify the voucher application by affidavit sworn to as above prescribed and the voucher application must also be accompanied by a duly executed certificate under the seal of the corporation certifying to the authority of such officer or officers to execute such voucher application and affidavit on behalf of the corporation. In the case of a legal representative, or of a receiver or trustee for a partnership or corporation, the existence of which has been terminated, the voucher application must be accompanied by a certified copy of the order or letters of his appointment and a certificate of the clerk of the appointing court dated within six months of the date of the execution of the voucher application that such appointment is still in full force and effect.

§ 250.5 *Method of signature.* The voucher application must be signed by each person exactly as his name appears as payee thereon. If any difference occurs between the name of the payee on the voucher application and the signature to the voucher application, appropriate evidence explaining the discrepancy must be furnished. Affidavits of two disinterested credible persons stating of their own knowledge that the person signing the voucher application is the person designated therein as payee and indicating the reasons for the discrepancy will ordinarily be sufficient. A signature by mark (X) must be witnessed by two persons in addition to the officer before whom the affidavit is executed and the signature and address of each such witness must appear on the voucher application and the affidavit.

PAYMENTS

§ 250.6 *Persons entitled to payment.* Payment will be made only to the person or persons on behalf of whom the award is made, except in the following circumstances:

(a) If such person is under a legal disability payment will be made to his legal representative.

(b) If such persons is deceased, payment will be made to the legal representative of his estate, except as provided in paragraph (c) of this section.

(c) If such person is deceased and the total award is not over $500 and no legal representative of his estate has been appointed, payment may be made to the person or persons found by the Comptroller General of the United States to be entitled thereto. In this circumstance the person or persons claiming payment should execute and submit General Accounting Office Form No. 1055 to the Division of Investments, Bureau of Accounts, Treasury Department, Washington 25, D. C.

(d) In the case of a partnership or corporation, the existence of which has been terminated, if a receiver or trustee has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment will be made to such receiver or trustee in accordance with the order of the court, or in the event a receiver or trustee duly appointed by a court of competent jurisdiction in the United States makes an assignment of the claim or any part thereof with respect to which an award

is made or makes an assignment of such award or any part thereof payment will be made to the assignee as his interest may appear. In the latter circumstance, certified copies of the court orders showing the authority of the receiver or trustee to make the assignment should be submitted with the assignment. No particular form of assignment is prescribed, but the original assignment must be submitted, and will be retained by the Treasury Department.

(e) In the case of a partnership or corporation, the existence of which has been terminated, if no receiver or trustee has been duly appointed by a court of competent jurisdiction in the United States or if such a receiver or trustee has been discharged prior to the date of payment without having made an assignment, payment may be made to the person or persons found by the Comptroller General of the United States to be entitled thereto. In this circumstance, the person or persons claiming payment should submit to the Division of Investments, Bureau of Accounts, Treasury Department, Washington 25, D. C., such documentary evidence as is appropriate to show his or their right to the payment.

(f) In the case of an assignment of an award or any part thereof which is made in writing and duly acknowledged and filed after such award is certified to the Secretary of the Treasury, payment may in the discretion of the Secretary of the Treasury be made to the assignee as his interest may appear. No particular form of assignment is prescribed, but the original assignment must be submitted, and will be retained by the Treasury Department.

§ 250.7 *Manner of payment.* Payment will be made by check drawn on the Treasurer of the United States. Checks will be mailed to the payee at the address indicated on the voucher application unless subsequent to the issue of the voucher application the Treasury Department receives a written request from the payee to deliver the check to him at some other address. Where the award has been entered in favor of more than one person, only one check will be drawn in making payment unless the payees specify the share of each and request separate checks.

POWERS OF ATTORNEY

§ 250.8 *Powers of attorney.* No power of attorney to sign a voucher application will be recognized but a power of attorney executed subsequent to the certification of an award to the Secretary of the Treasury to receive, endorse and collect a check given in payment on an award may be recognized. An appropriate form for such a power of attorney may be obtained from the Accounting Division, Office of the Treasurer, Treasury Department, Washington 25, D. C.

ADDITIONAL EVIDENCE

§ 250.9 *Additional evidence.* The Secretary of the Treasury or the Comptroller General of the United States may in any case require such additional information and evidence as may be deemed necessary.

AMENDMENT OF REGULATIONS

§ 250.10 *Reservation of power to revoke or amend.* The regulations in this part may be revoked or amended at any time.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

JANUARY 11, 1951.

[F. R. Doc. 51-854; Filed, Jan. 17, 1951; 8:56 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Order M-15, as Amended January 15, 1951]

PART 28—ZINC

SUBPART B—USE OF ZINC

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

This amendment affects NPA Order M-15, dated December 1, 1950, as follows:

It adds a new paragraph (e) to § 28.22 and amends paragraph (a) of § 28.23. As amended, this part is revised to read as follows:

Sec.
28.21 What this part does.
28.22 Definitions.
28.23 Zinc forms and products to which this part applies.
28.24 Application of part.
28.25 Use of zinc and zinc products.
28.26 Maintenance and repair.
28.27 Exemptions.
28.28 Inventories.
28.29 Application for adjustment or exception.
28.30 Records and reports.
28.31 Communications.
28.32 Violations.

AUTHORITY: §§ 28.21 to 28.32 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 28.21 *What this part does.* The purpose of this part is to describe how the zinc and zinc products remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that zinc and zinc products and articles made of zinc and zinc products, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this part that other materials which are not in short supply will be substituted for zinc and zinc products wherever possible.

§ 28.22 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six months period ending June 30, 1950.

(c) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(d) "Operating supplies" means any zinc or zinc product listed in § 28.23 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

"(e) 'Manufacture' means to put into process, machine, incorporate into products, assemble, fabricate or otherwise alter the forms and products of zinc defined in § 28.23 by physical or chemical means."

§ 28.23 *Zinc forms and products to which this part applies.* This part will apply to the following zinc forms and products:

"(a) 'Zinc' which means slab zinc which has been produced by electrolytic, electrothermic, or fire refining process, including zinc produced from scrap, dross, or other secondary material, and any alloy in which the percentage of zinc by weight is more than 50 percent."

(b) "Zinc products" which means zinc in the form of sheet, strip (ribbon), rod, wire, castings, plates and shapes either drawn or extruded.

§ 28.24 *Application of part.* Subject to the exemptions stated in § 28.27, this part applies to all persons who use zinc or zinc products in manufacture, processing or construction, or for maintenance, repair, or operating supplies.

§ 28.25 *Use of zinc and zinc products.* Subject to the exemptions stated in § 28.27, or unless specifically directed by the National Production Authority, no person shall use in manufacture, processing, construction, or for operating supplies during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, a total quantity by weight of zinc and zinc products in excess of 80 percent of his average quarterly use of such products during the base period: *Provided, however,* That his use of such items in any one month shall not exceed 40 percent of the permitted quarterly use.

§ 28.26 *Maintenance and repair.* Unless specifically authorized by the National Production Authority, during the calendar quarter period commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance and repair a quantity by weight of zinc and zinc products in excess of his average quarterly use for such purposes during the base period.

§ 28.27 *Exemptions.* (a) The use of zinc and zinc products to fill an order that is rated under the priorities system established by Part 11 of this chapter (NPA Reg. 2), or to meet any mandatory order of the National Production Authority, is permitted in addition to the use of zinc and zinc products authorized by the provisions of §§ 28.25 and 28.26.

(b) Zinc and zinc products acquired by a rated order or to meet a scheduled program of the National Production Authority may be used in addition to the quantities permitted by the provisions of §§ 28.25 and 28.26.

(c) The provisions of §§ 28.25 and 28.26 do not apply to persons who use less than 3,000 lbs. of zinc and zinc products during any calendar quarter: *Provided, however,* That persons who by reason of the provisions of § 28.25 would be permitted to use less than 3,000 lbs. during any calendar quarter may use during such period a quantity up to 3,000 lbs.

(d) The provisions of §§ 28.25 and 28.26 do not apply to the use of zinc or zinc products: (1) To comply with safety regulations issued under governmental authority which require the use of such items; (2) in research laboratories where and to the extent that the physical or chemical material requirements make the use of any other material impracticable; or (3) in electroplating where it replaces cadmium.

§ 28.28 *Inventories.* In addition to the provisions of Part 10 of this chapter (NPA Reg. 1), relating to Inventory Control, it is considered that a more exact requirement applying to users of zinc or zinc products is necessary. No person obtaining zinc or zinc products for use in manufacture, processing or construction, or for maintenance, repair or operating supplies, may receive or accept delivery of a quantity of zinc or zinc products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this part during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in Part 10 of this chapter NPA Reg. 1), whichever is less. For the purpose of this section, zinc and zinc products listed in § 28.23 in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to zinc and zinc products except as modified by this section.

§ 28.29 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 28.30 *Records and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 28.31 *Communications.* All communications concerning this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–15.

§ 28.32 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part, as amended, shall take effect on January 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-900; Filed, Jan. 16, 1951; 12:50 p. m.]

[NPA Order M–4, as Amended January 13, 1951]

PART 71—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by Section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment constitutes, in effect, a completely new order; and rescinds all sections of NPA Order M–4 as amended November 15, 1950, and substitutes the following in lieu thereof:

Sec.
71.1 What this part does.
71.2 Policy of the National Production Authority.
71.3 Definitions.
71.4 Prohibited construction.
71.5 Exemptions.
71.6 Authorization for certain construction.
71.7 Multiple use of buildings, structures or projects.
71.8 Scope of this part.
71.9 Prohibited deliveries.
71.10 Defense against claims for damages.
71.11 Applications for adjustment or exception.
71.12 Communications.
71.13 Reports.
71.14 Violations.
71.15 List A—Prohibited construction.
71.16 List B—Construction where NPA authorization is required.

AUTHORITY: §§ 71.1 to 71.16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, September 9, 1950, 15 F. R. 6105.

§ 71.1 *What this part does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this part prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production Authority. The construction prohibited generally does not further the defense effort, either directly or indirectly, and does not increase the Nation's production capacity for defense. The part allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

§ 71.2 *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

§ 71.3 *Definitions.* For the purpose of this part:

(a) "Person" means any individual, corporation, partnership, association, or

any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) "Commence construction" means to incorporate into a building, structure or project, a substantial quantity of materials which are to be an integral and permanent part of such building, structure, or project (for example, the pouring or placing of footings or other foundations).

(1) The following activities do not constitute commencing construction: Demolition of buildings; tearing out partitions; site preparation; erecting temporary fences or construction barricades, work sheds, and shanties; bringing utilities to the site; fabrication or processing of building materials, building equipment, or personal property to be installed.

(d) "Construction cost" means the total expense for building materials, building equipment, labor and services used in the construction of the particular building, structure or project, by whomever spent; but does not include the installed cost of personal property.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure or project in sound working condition or to rehabilitate a building, structure or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Personal property" means property used in connection with, but which does not become a part of, the building, structure or project in the sense of its becoming a permanent part of the real property upon which it is located or in which it is installed.

§ 71.4 *Prohibited construction.* (a) Except as permitted in § 71.5, or pursuant to an adjustment or exception granted under § 71.11, after midnight October 26, 1950, no person shall commence construction of any building, structure or project to be used for, or in connection with, any of the purposes specified, as set forth in § 71.15.

(1) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures or projects of the type prohibited by § 71.15. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) After midnight, January 13, 1951, no person shall commence construction of any building, structure or project to be used for, or in connection with, any of the purposes specified, as set forth in § 71.16, until a specific authorization therefor has been issued by the National Production Authority. As a general rule, no authorization will be issued prior to February 15, 1951. However, in emergency situations, an authorization may be issued by the National Production Authority prior to that date. (The conditions which must exist before an authorization will be issued are set forth in § 71.6.)

Further, in matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this part at any time, pursuant to § 71.11, with respect to types of construction specified in § 71.16.

§ 71.5 *Exemptions.* The following construction in connection with the buildings, structures or projects to be used in connection with any of the purposes specified in § 71.15 and § 71.16 is exempted from this part:

(a) Maintenance and repair on any building, structure or project.

(b) Small jobs of new construction or in connection with any such building, structure or project including, but not limited to, alterations, additions, improvements and modernizations where the construction cost of all such work shall not exceed the sum of $5,000 for any consecutive twelve months' period.

(c) Reconstruction of any such building, structure or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950.

(d) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission.

§ 71.6 *Authorization for certatin construction.* (a) Any person desiring to erect a building, structure or project to be used for, or in connection with, any of the purposes specified, as set forth in § 71.16, may apply for a National Production Authority authorization to commence such construction. The application shall be in such form as may be prescribed by the National Production Authority.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in § 71.16 in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish, or to supplement, facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility; and the effect on the community at large if the authorization were denied.

§ 71.7 *Multiple use buildings, structures or projects.* Where a building, structure or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in § 71.15 or § 71.16 where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in § 71.5 (b).

§ 71.8 *Scope of this part.* This part shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

§ 71.9 *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this part.

§ 71.10 *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

§ 71.11 *Applications for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure or project requires reconstruction as a re-

sult of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the reasons why denial of the request would result in unreasonable hardship, or would not be in the interest of the national defense. All such requests should be addressed to the Regional Office of the Department of Commerce in the region of the site of the proposed construction.

§ 71.12 *Communications.* All communications concerning this part shall be addressed to the Regional Offices of the Department of Commerce, Ref: NPA, M-4.

§ 71.13 *Reports.* Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

§ 71.14 *Violations.* Any person who wilfully violates any provisions of this part, or any other order or regulation of the National Production Authority, or wilfully conceals a material fact, or furnishes false information in the course of operation under this part, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this part.

§ 71.15 *List A—Prohibited construction.* All buildings, structures or projects to be used for, or in connection with, any recreational, amusement or entertainment purpose, whether public or private (unless authorized pursuant to § 71.6), including, but not limited to:

Amphitheatre.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Theatre, any kind (including drive-in theatre).
Yacht basin or marine railway primarily for the use of pleasure craft.

§ 71.16 *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Outdoor advertising sign.
Printing or duplicating establishment.
Restaurant.
Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse), except wholesale food establishment, wholesale supply facility for fuel oil, gasoline or coal, gas distribution system, pipeline.
Storage warehouse for personal effects.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part, as amended, shall take effect at midnight, January 13, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-899; Filed, Jan. 16, 1951; 12:50 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1783]

PART 141—COLOR-OF-TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

COLOR-OF-TITLE CLAIMS, MICHIGAN

The following text is added to Part 141:

§ 141.27 *Statutory authority; applications; reservation of coal and other minerals not required; reservation of fissionable materials required.* (a) The act of June 30, 1948 (62 Stat. 1171) directs the Secretary of the Interior to issue a patent to a tract or tracts of public land in Monroe County, Michigan, not exceeding in the aggregate 160 acres, upon payment for the land at the rate of $1.25 per acre, where within five years after the passage of the act it is shown to his satisfaction that the land has been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years prior to the approval of the act under claim or color-of-title, and where improvements have been placed on the land or some part thereof has been reduced to cultivation. The act provides that the term "citizen" as used therein shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

(b) Applications under the act of June 30, 1948, will be filed and processed in accordance with the regulations contained in Part 140 of this chapter under the color-of-title act of December 22, 1928 (45 Stat. 1069; 43 U. S. C. 1068, 1068a), so far as those regulations do not conflict with the provisions of the act of June 30, 1948.

(c) The act of June 30, 1948, unlike the color-of-title act of December 22, 1928, does not authorize the reservation to the United States of the coal and other mineral deposits in the land and no reservation of such deposits will be made.

(d) The provision contained in section 5 (b) (7) of the Atomic Energy Act of August 1, 1946 (60 Stat. 760; 42 U. S. C. 1805 (b) (7)) for the reservation of fissionable materials to the United States in patents for public lands issued after August 1, 1946, was made "subject to valid claims, rights, or privileges existing on August 1, 1946." As this act was passed prior to the enactment of the color of title act of June 30, 1948, a reservation of fissionable materials in accordance with § 102.43 of this chapter will be made in every patent issued under the act of June 30, 1948.

(R. S. 2478; 43 U. S. C. 1201)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 12, 1951.

[F. R. Doc. 51-815; Filed, Jan. 17, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 308]

MARKET AGENCIES AT SIOUX CITY STOCK YARDS, SIOUX CITY, IOWA

NOTICE OF PETITION FOR MODIFICATION OF RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), orders were issued on January 31, 1950 (9 A. D. 4), and May 3, 1950 (9 A. D. 572), authorizing respondents to assess the rates currently in effect.

On January 8, 1951, respondents filed a petition requesting authority to file a new tariff and put into effect the rates set out below:

SELLING AND RESELLING CHARGES

SECTION A

Cattle:	Per head
Consignments of 1 head and 1 head only	$1.30
Consignments of more than 1 head:	
First 5 head in each consignment	1.10
Next 10 head in each consignment	1.05
Each head over 15 in each consignment	.95

The maximum charge on a consignment of cattle arriving by rail shall not exceed an amount equal to $32 mutiplied by the number of cars in which the consignment arrives at market.

Calves:	Per head
Consignments of 1 head and 1 head only	$0.75
Consignments of more than 1 head:	
First 5 head in each consignment	.60
Next 10 head in each consignment	.55
Each head over 15 in each consignment	.45

The maximum charge on a consignment of calves arriving by rail shall not exceed an amount equal to $32 multiplied by the number of single deck cars in which the consignment arrives plus $38 multiplied by the number of double deck cars in which the consignment arrives.

	Per head
Bulls, irrespective of manner of arrival	$1.75
T. B. reactors, Bangs reactors, cripples, suspects or subjects, or condemned	1.75

SECTION B

Hogs, irrespective of manner of arrival:	Per head
Consignments of 1 head and 1 head only	$0.55
Consignments of more than 1 head:	
First 10 head in each consignment	.39
Next 15 head in each consignment	.34
Each head over 25 in each consignment	.29
Boars, cripples or subjects	.75

SECTION C

Sheep:	Per head
Consignments of 1 head and 1 head only	$0.50
Consignments of more than 1 head:	
First 10 head in each 225 head in each consignment	.37
Next 20 head in each 225 head in each consignment	.30
Next 30 head in each 225 head in each consignment	.24
Next 40 head in each 225 head in each consignment	.15
Next 125 head in each 225 head in each consignment	.09

The maximum charge on any consignment of sheep arriving by rail shall not exceed an amount equal to $30 multiplied by the number of double deck cars in which the consignment arrives.

	Per head
Cripples or subjects	$0.65

SECTION D

Extra Service Selling Charges

In the case of those consignments where more than three drafts are necessary, 25 cents per draft in excess of three, maximum $3 on any one consignment, will be charged. (This provision does not apply to purchase orders.)

SECTION E

Buying Charges

The charges for buying any species of livestock shall be the same as the selling or reselling charges for that species, except that no charge shall be made on account of extra drafts. When, however, it is necessary for the agency to pick up the purchase order from more than three other agencies and/or dealers, a charge of $0.50 (50¢) shall be made for each market agency and/or dealer over three from whom the purchase order is picked up.

NOTE: The maximum charge on any purchase order of hogs shipped out by rail shall be $22 for each single deck car and $32 for each double deck car.

NOTE: For each 28,000 pounds or fraction thereof in each purchase order of hogs shipped out by truck, the maximum charge shall be $22 for the first 17,000 pounds, plus $0.29 (29¢) times the excess weight between 17,000 and 28,000 pounds divided by the average weight of the hogs in the purchase order, with a maximum of $32 for each 28,000 pounds.

Extra Service Buying Charges

When cattle bought from other firms by the purchaser himself are paid for, and/or picked up, and/or billed out, and/or any assistance is given relative to tuberculin or abortion tests, the regular buying commissions herein provided shall be charged.

When cattle consigned to a commission firm for sale are sold to a buyer who requests that his purchase be billed out, one-fourth the regular buying commission shall be charged to the buyer, except that there shall be no charge when the Sioux City Stock Yards Company will accept for forwarding orders out of pens into which delivery off scales is made. When any assistance is given relative to tuberculin or abortion tests, the regular buying commission herein provided shall be charged.

SECTION F

Other Service Charges

For delivery of cattle and/or calves to brand chutes for branding, dehorning, castration, vaccination, etc., the charge shall be five cents per head, with the minimum charge for any one lot of cattle and/or calves, $1. (This is in addition to the two service charges listed above.)

The Sioux City Livestock Exchange will make a charge against each firm for whom it makes collections of checks for livestock sales and purchases, based on the cost of such service prorated on a basis of the number of items handled, bills for such service to be rendered and paid monthly.

A check of the number of items will be made one month in four, and the result of that check will serve as a basis for the charge for the ensuing four months. The minimum charge per month for any firm will be twenty-five cents.

For computing, collecting and paying or remitting to the person entitled to receive the same, any truck or hauling charge for transporting livestock to or from the Sioux City Stock Yards, a charge of ten cents shall be made, this charge to cover all collections and remittances of such hauling charges as shall be made at one time covering deliveries of livestock on a single market day, by one truck carrier.

Charges for inspection shall be made, as hereinafter set out, to cover inspection of hogs for dockage when necessary, and inspection of hogs for injury or disease affecting their fitness for human food; inspection of cattle for injury or disease affecting their fitness for human food; inspection and examination of cripples or dead animals for marks of identification, and the weighing of dead animals and rendering reports thereon to the consignees, consignors, and U. S. Bureau of Animal Industry.

Hogs: A charge of 50 cents shall be made, to apply on the additional cost of inspection of hogs, whenever an appeal is taken from the shrinkage or dockage fixed by the Inspector in Charge at the scale to the Chief Inspector, said charge to be paid by the person or firm appealing.

A charge of $1.50 shall be made, to be paid by the person appealing, whenever an appeal shall be taken from the decision of the Chief Inspector to the Board of Arbitrators, said sum to be divided prorata between the arbitrators acting in the case, as their compensation for service.

A charge of 40 cents per carload shall be made to cover the cost of inspection of hogs for dockage when necessary, and inspection for injury or disease affecting their fitness for human food on all hogs arriving by rail. On hogs trucked or driven in, a charge of 2 cents per head up to 40 cents shall be made for any lot of hogs not exceeding 30 head. The same rate shall apply on the excess over 30 head.

Cattle: A charge of 40 cents per carload, regardless of number of animals in any car, shall be made on all cattle arriving by rail, to cover the cost of inspection of cattle sold for slaughter for disease or injury affecting their fitness for food. On cattle trucked or driven in, the charge shall be 2 cents per head up to 40 cents for each lot not exceeding 25 head, the same rate to apply on the excess over 25 head.

SECTION G

Fire Insurance

To cover the cost of premium on a policy of insurance against loss by fire, lightning and cyclones, tornado or windstorm, protecting the owners of live stock consigned to the Sioux City market against losses by fire, lightning and cyclone, tornado or windstorm, during the time said animals are within the confines of the Sioux City Stock Yards, the following charges shall be deducted by the participating agencies from the proceeds of sales:

Cattle and calves ten (10¢) cents per carload.

Hogs ten (10¢) cents per carload.

Sheep ten (10¢) cents per carload.

Truck cattle and calves one (1¢) cent for every two head or fraction thereof.

Truck hogs one (1¢) cent for every seven head or fraction thereof.

Truck sheep one (1¢) cent for every seven head or fraction thereof.

The charge not to exceed ten (10¢) cents up to thirty (30) head of cattle, or calves, one ownership.

Seventy-five (75) head of hogs, one ownership.

Three hundred (300) head of sheep, one ownership.

DEDUCTIONS MADE FOR ACCOUNT OF OTHERS

Brand Inspection

The participating Agencies may deduct from the proceeds of sales of branded cattle,

as a brand inspection fee for inspecting cattle for brands such fees as are in accordance with the Tariffs now on file with the Packers and Stockyards Division by the various Associations, and in accordance with the agreements now in effect between the participating Agencies and these Associations. Said fees so collected shall be remitted in full by the participating Agencies to the various Associations with which agreements are in effect.

The rates petitioned for, if authorized, will provide additional revenue for the respondents. It appears, therefore, that this notice of the filing of the petition should be given to the public.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 12th day of January 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-841; Filed, Jan. 17, 1951; 8:53 a. m.]

[7 CFR, Part 921]

[Docket No. AO-222]

HANDLING OF MILK IN SPRINGFIELD, MO., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Springfield, Missouri, April 17-20, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER on March 30, 1950 (15 F. R. 1813, Doc. 50-2673).

Upon the basis of the evidence introduced at the hearing and the record thereof the Acting Assistant Administrator, Production and Marketing Administration, on October 17, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on October 20, 1950 (15 F. R. 7017, Doc. 50-9291).

The material issues of record related to:

1. Whether the handling of milk produced for the Springfield, Missouri, fluid milk market is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;
2. The need for regulation;
3. The extent of the marketing area;
4. What milk should be priced under the order;
5. The classification of milk;
6. The level of class prices to be paid and means of determining such prices;
7. The type of pool; and
8. Administrative provisions.

Rulings on exceptions. Within the period for filing exceptions to the recommended decision, exceptions were submitted on behalf of certain interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are made on the basis of the record of the hearing:

1. The handling of milk in the Springfield, Missouri, market is in the current of interstate commerce, and directly burdens, obstructs, or affects interstate commerce in milk and its products.

Springfield handlers are making regular distribution of milk for fluid use on routes operated from their plants to points in the State of Arkansas. Springfield is located in the southwestern portion of Missouri, approximately fifty miles north of the Arkansas State line. Two of the larger Springfield handlers operate routes to the cities of Harrison, Springdale, and Mountain House, Arkansas. The volume of such distribution is estimated as 15-20 percent of the total fluid milk sales of the market.

The milk supply for Springfield is produced in an area from which St. Louis handlers purchase milk under Federal Order No. 3 and there is active competition between Springfield handlers and St. Louis handlers for milk supplies. Shifting of producers between the Springfield fluid milk market and the St. Louis fluid milk market has occurred. A large cooperative association, now a handler under the St. Louis order, operates a plant in Springfield and markets considerable inspected milk for fluid use outside the State of Missouri. Milk from this plant and as well as from out of state sources was used during recent months to supplement the supplies received from regular producers by Springfield plants. Milk is regularly marketed on routes in the Springfield market from a plant at Lebanon, Missouri, which is a regular source of supply for St. Louis. Milk is also marketed from this plant to Texas cities.

There are 14 dairy manufacturing plants within the area from which Springfield draws its milk supply. These plants make large quantities of butter, cheese, evaporated milk, and nonfat dry milk solids, and sell a large percentage of such products outside the State of Missouri. Springfield inspected milk which is not used for fluid requirements is at times diverted into these plants for manufacture into products which move in interstate commerce.

2. Marketing conditions in the Springfield, Missouri, marketing area justify the issuance of a marketing agreement or order.

At present producers for the Springfield market are selling their milk to handlers at flat prices without regard to the use made of such milk by handlers. Such prices are usually negotiated between the Greene County Milk Producers Association, which represents a portion of the producers and the handlers. While the level of these flat prices appears to have been satisfactory in recent months, the flat price plan has resulted in inequalities in price between handlers which endanger the stability of the market.

For a number of years prior to 1942 the producer association sold milk on a classified price plan. This plan was replaced by flat prices when demands for milk from nearby army camps exceeded the production which the association had available during the period in which ceiling prices were in effect. Association efforts to restore the classified price plan in post war years have been ineffective. Unsuccessful attempts were made in 1947 and in the spring of 1949 to return to classified prices. Some handlers did not cooperate in applying the classified price plan, but instead continued to purchase their fluid needs at a flat price below the classified price for Class I milk. As a result, association members carried the burden of seasonal surpluses, and some handlers paid less than others for milk for fluid use. These classified price plans did not provide for audits of plant records to establish final classification of milk, despite inaccuracies in the reported utilization.

Producer numbers and producer deliveries of milk declined sharply during the post-war period, while St. Louis handlers purchasing milk in the same production area from which Springfield draws its supplies were adding producers rapidly. During 1949, after increases in flat prices were negotiated, there was some gain in the number of producers supplying Springfield, but supplies in the fall of 1949 were still inadequate to meet the market's needs and emergency supplies were obtained. At the same time, St. Louis handlers were acquiring additional producers in this area at a much more rapid rate at prices less than those nominally in effect for Springfield.

It is evident that the present marketing plan fails to provide sufficient stability of pricing to induce a sufficient number of producers to supply the market. In addition, no provision is made for distributing the burden of seasonal surpluses equitably among producers, or for equality of costs to handlers for milk for fluid use. An order is needed to assure producers of an effective price plan which will reflect the requirements of the market for milk and assure equity to producers and handlers.

3. The marketing area should be the area within the limits of the city of Springfield, Missouri.

Producers proposed that Greene County, Missouri, in which the city of Springfield is located, be defined as the marketing area. One handler proposed that Laclede and Webster Counties, Missouri be added.

At present all milk sold for fluid use in Greene County is Grade A milk inspected by the Springfield Health Department. Milk may be sold, however, in Greene County which is not approved for Springfield, and there is some question from the record as to whether the inspection authority for such milk is that of Greene County, Missouri, or of the

State of Missouri. Should this authority be the State of Missouri, the inclusion of all of Greene County in the defined marketing area might result in including in the Springfield pool milk inspected under State authority for markets quite distant from Springfield, and which would have slight relationship to the marketing area.

One handler proposed that the marketing area include additional territory. This handler, who supplies St. Louis and is now regulated under the order for that area, has his plant at Lebanon, Missouri, fifty miles from Springfield where he bottles the milk he sells in Springfield. This handler proposed that the marketing area also include the county in which his plant is located and another county between that county and Greene County. No evidence was given on the record, however, concerning marketing conditions in the additional territory other than a showing that the city of Lebanon has an ordinance with requirements somewhat similar to those of Springfield. There is no evidence in the record that the handling of milk is closely interrelated in these markets. Therefore, it is concluded that the marketing area should be confined to the city of Springfield, Missouri.

4. Milk to be priced under the order should be that produced under the inspection of health authorities of the marketing area for consumption as Grade A milk which is regularly delivered to a plant from which such milk is distributed on routes in the marketing area.

As indicated in the discussion with respect to the extent of the marketing area, the regular supply of milk for the marketing area is produced by farmers who are under the inspection of and who hold Grade A permits issued by the health authority of the city of Springfield.

In addition to the regular supply from locally inspected producers, short season supplies have been received by Springfield plants under emergency approval of the city health authority from sources approved by other health authorities. Among these sources is the Springfield plant of the Producers Creamery Company, which does not operate routes in the marketing area, but a portion of whose operations and the farms supplying it are approved under the Grade A standards of the State of Missouri. The Producers Creamery Company is a handler under the St. Louis order with respect to its operations at this plant and two other plants.

The milk which should be priced and pooled under the order should be that which constitutes the regular source of supply of the market. This regular source of supply may be delineated by setting out the definition of the following terms: "producer," "handler," and "approved plant."

"Producer" should be defined to include those persons, other than producer-handlers, who produce milk under a dairy farm permit or rating issued by the appropriate health authority of the marketing area for the production of milk intended for consumption as Grade A milk which is received at an approved plant directly from the farm on which produced. Producer-handler (those who distribute only milk of their own production) should not be included in this definition since such persons normally sell to handlers only that milk which is in excess of the needs of their own operations. Other terms of the order provide that producer-handlers will not share with other producers the proceeds of their Class I sales; hence they should not obtain a pro rata share of the Class I sales on any milk they may furnish to a handler. A producer regularly supplying the market should not lose his status as such during temporary periods when a handler diverts his milk from an approved plant for the handler's account. Even though they may meet all the requirements of the producer definition persons whose milk is priced under another Federal order are not included under this order, in order to prevent dual regulation of their prices. Special provisions are included with respect to milk priced under another Federal order.

"Approved plant" should be defined as a milk plant or portion thereof approved by an appropriate health authority for the handling of milk for consumption as Grade A milk in the marketing area, and from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores or vendors). The approved plant definition should exclude, however, plants which are not regularly engaged in supplying the market, but which furnish milk to handlers in the market during temporary periods of shortage. Inclusion of such plants would be beyond the intended scope of the order, and would involve pricing milk not primarily produced for the Springfield market.

"Handler," to whom the regulatory provisions of the order are applicable, should be defined as the operator of an approved plant in his capacity as such, and a cooperative association with respect to milk which it causes to be diverted from an approved plant to an unapproved plant for its account. It is the operators of approved plants, of course, who furnish the regular supply of milk to the market. At times of flush production, proprietary handlers do not always accept milk from all producers or arrange for diversion of milk. Producers whose milk is not accepted receive returns equal only to the manufacturing price for milk even though these producers may be needed to supply the market later in the year. It has been the practice of the Greene County Milk Producers Association to divert milk to manufacturing plants under such conditions, and the provision that a cooperative association may be a handler even though it does not operate a plant will make it possible for the Association to continue the practice, while at the same time maintain the diverted milk under the pricing and pooling requirements of the order. Producers whose milk is temporarily diverted will thus continue to receive the regulated market price for their milk and the marketing of surplus milk will be facilitated.

The Producers Creamery Company proposed that these definitions be modified so that its Springfield plant which operates no routes in the marketing area would be a "reserve pool plant," and that a portion of its receipts would be considered producer milk and be priced and pooled under the order. As a basis for such proposal, its representative testified that as a local producers' cooperative with ample supplies of Grade A milk, it felt an obligation to supply any deficit needs of the market, and that its producers should share in the market throughout the year on the basis of the amount of milk supplied during the short season. It proposed as a condition for such status that it be required to have no commitments for disposition of milk which would prevent it from supplying deficit needs as they appeared, and that the amount delivered to other handlers for Class I uses during the short season and the seasonal pattern of production of the market should determine the amount of its milk to be included for other months.

As indicated elsewhere in this decision, the inspected receipts of this plant are priced and pooled under the St. Louis order. No solution was offered to the administrative problem of attempting to price and pool this milk under two orders, of which one pools milk by handlers and the other would provide for a market-wide pool. Neither is it clear that the Springfield market will require a guaranteed reserve supply. It would be entirely possible for this cooperative association to supply the market without the special provisions. If received at its St. Louis regulated plant and transferred to Springfield handlers, such milk would be treated as other source milk. The cooperative can, however, have producers as needed secure Springfield permits and can supply Springfield handlers by moving the milk directly to their plants. As a cooperative, it can divert the milk of these producers to an unapproved plant it operates in Springfield when it is not needed by the local market and such producers will remain in the Springfield pool; further the cooperative association can collect payments for the milk furnished handlers and in accordance with the provisions of the Marketing Agreement Act blend the proceeds with those of its sales of milk in all other markets. Since the "reserve pool plant" proposal involves administrative problems for which there is now no apparent solution, and since the general objective may be obtained by other means, the proposal should not be included in the order.

Since the record indicates that one handler located at Lebanon, Missouri, distributes milk on routes in the marketing area from a plant at which he is subject to regulation under the St. Louis order, provision should be made to avoid the situation where such a person would be subject to regulation under two different orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the market in which such person has the greater portion of his sales, which in this case, would appear to be the St. Louis

market. Such a person should not, however, be permitted to purchase milk for sale as Class I milk in the Springfield area at less than the price paid by other handlers in that area. Therefore, such a handler should be required to pay into the producer-settlement fund any amount by which the Springfield Class I price exceeds that charged him under another order for all Class I milk disposed of within the marketing area. Such a handler should also be required to report to the market administrator regularly so that the market administrator may ascertain the amount of milk disposed of within the area.

5. The order should provide for two classes of milk. Class I milk should include those products such as fluid milk, skim milk, buttermilk, cream, and milk drinks which are required to be made from inspected milk. It should also include all skim milk and butterfat not specifically accounted for as a Class II product. Class II milk should be that used primarily for manufactured products for which inspected milk is not required, the value of which, therefore, is not determined primarily by local supply-demand conditions which affect the supply of locally inspected milk. Included in Class II also is shrinkage up to 2 percent of receipts from producers, shrinkage on other source milk, and inventory changes of Class I products. The volume of milk to be accounted for in each class should be determined on the basis of the pounds of skim milk and butterfat in each class. All testimony on the record favored the classification system herein provided for.

Provision must also be made for the classification of milk when it is transferred or diverted in the form of milk, skim milk, or cream to other milk plants. The provisions included here provide for classification where such movements are to approved plants, to producer-handlers, and to unapproved plants. Transfers to the approved plants of other handlers may be in either class as agreed upon between the parties to the transactions, subject to the general requirement that producer milk shall have priority over other source milk for Class I use. Transfers to producer-handlers should be at Class I since such persons have primarily Class I operations, and ordinarily purchase from handlers only for Class I use. Transfers to unapproved plants within 125 miles of Springfield may be at Class II if both the buyer and seller so state in writing, the buyer maintains records of utilization which the market administrator may audit, and the buyer actually uses an equivalent amount of milk in Class II uses; otherwise, such transfers are Class I milk. Transfers to unapproved plants beyond 125 miles from Springfield are Class I. The record shows ample manufacturing facilities within the 125 mile limit to handle all surplus producer milk and no necessity was shown for Class II milk to move greater distances. Within this radius will be included the only plant any distance from Springfield to which any handler may find it convenient to move milk for Class II use.

In order to prevent other source milk from displacing milk of producers who constitute the regular source of supply of a plant, the proposal adopted allocates other source milk to the lowest use in an approved plant. This provision will apply to supplies temporarily approved for use in periods of shortage as well as any unapproved supplies, as other source milk includes all skim milk or butterfat other than that in producer milk. Such supplies are needed only after all producer milk is used in Class I milk.

6. The order should provide for a Class I price formula made up of three major components: (1) A basic formula price, (2) differentials over the basic formula price, and (3) an adjustment of the differentials to reflect changes in the ratio of receipts of milk from producers to sales of Class I milk—in other words, a supply-demand adjustment.

The basic formula provided for is the same as that contained in the order regulating the handling of milk in the St. Louis marketing area. This formula is the higher of: (1) Prices paid producers for milk delivered to 26 plants which manufacture such milk into evaporated milk, or (2) a price representative of the value of manufacturing milk derived from the market price for 92-score butter at Chicago and the average price of nonfat dry milk solids at a large number of plants in Wisconsin, Minnesota, Michigan, Illinois, and Indiana.

The use of a basic formula similar to that used in St. Louis for fixing Class I prices in Springfield is appropriate for two reasons. First, a basic formula of this type reflects the changing values of milk for manufacturing purposes produced in the same area from whence Springfield draws its supplies of milk. Most milk production in this area is disposed of in the form of dairy products. The prices of these products, therefore, are especially influential with respect to the prices which will be paid for milk for fluid consumption in Springfield. Second, St. Louis obtains a portion of its milk supplies from the same area from which Springfield draws its supplies. The variations in prices paid for milk for sale in St. Louis will, therefore, have an important effect upon the value of milk for sale in Springfield. The use in this order of a basic formula similar to that provided for in the St. Louis order will change prices for milk in Springfield in accordance with changes in the value of milk for sale in the St. Louis market.

The differential over the basic formula price for Class I milk under this order should be $1.08 per hundredweight for the months of July through December of each year, 83 cents for the months of January through March, and 63 cents per hundredweight for the months of April through June.

The level of the differentials applicable under the St. Louis order are important determinants of the levels of the differentials under this order for reasons similar to those which indicated that the basic formula price under this order should be the same as that effective under the St. Louis order. The differentials proposed herein are 27 cents below the differentials applicable to Class I milk f. o. b. the St. Louis marketing area. The competition which Springfield handlers must meet in obtaining supplies of milk are the paying prices of St. Louis handlers with plants located in the area from which Springfield draws its supplies. The paying prices of these handlers are based on a 27-cent adjustment for location from St. Louis. In the recommended decision of the Acting Assistant Administrator, Production and Marketing Administration, it was proposed that the differentials stated above should be increased by 10 cents to offset a payment of like amount by St. Louis handlers to producers cooling their milk with mechanical refrigeration, in view of the temperature requirements for delivery of milk under the Springfield ordinance. Exception was taken to this recommendation on the basis that such payments by St. Louis handlers were not disclosed by the record. While such payments were disclosed by the record (Ex 14 table 10) to have been made, the record is not conclusive as to whether they were currently made at the time of the hearing. Such payments were voluntary payments above the St. Louis order prices. In order that the pricing under the two orders may be more closely integrated, it is concluded in this decision that the differentials should be as stated above.

A further temporary increase of 15 cents per hundredweight over the St. Louis price is also necessary for all months other than the surplus months of April, May and June, in order to increase the supply of milk in this market to levels of adequacy. For some time Springfield milk dealers have been paying producers delivering to this market a price equal to the weighted average price of all milk at St. Louis. This price has been higher than the prices paid by St. Louis handlers at plants located in the Springfield supply area.

Despite the higher prices paid for milk by Springfield milk dealers, this market has been short of milk. In 1949 Class I sales exceeded receipts of approved milk from producers in 7 of the 12 months. In November of that year sales of Class I milk exceeded receipts from producers by 14 percent. During the last two years the St. Louis market has obtained large numbers of new producers from within the Springfield supply area. During the same period Springfield either lost producers or regained them very slowly. During the period November 1947 to November 1949 the number of producers in this area shipping to the St. Louis market increased from 54 to 372. During 1948 the number of Springfield producers actually decreased and in 1949 only 41 producers were added to the Springfield suppliers.

A supply-demand adjustment is proposed herein which, because of lack of information, will not come into play for about a year after the effective date of this order. It is estimated, however, that if the supply-demand adjustment could be made effective at this time, it would result in an increase of at least 18 cents per hundredweight in the differentials otherwise provided for. The temporary increase of 15 cents per hundredweight should be continued therefore only until such time as the supply-demand adjustment becomes effective.

The differentials provided for should be subject to adjustment for variation in the ratio of supplies of milk from approved producers to the sales of Class I milk. If the market is less than normally supplied, the differentials above the basic formula price should be increased in order to induce a greater supply of milk. Conversely, if the market is more than normally supplied, the differentials should be reduced. An adjustment similar to that provided for the St. Louis market is, therefore, contained in this order and it will automatically adjust the differentials on the basis of the ratio of supplies of milk to sales during each preceding year.

As a standard for an adequate market supply an annual volume of producer milk equal to 115 percent of Class I sales should be adopted. Experience under other orders which have classification and accounting features similar to those here proposed and in areas in which seasonality of production is comparable to that which may be expected in Springfield indicates that 115 percent of Class I sales is a reasonable standard for an adequate supply of milk on an annual basis. The adjustment will increase differentials for January through March by 1 cent per hundredweight and for July through December by 2 cents per hundredweight for each percentage point that the ratio of supplies of producer milk to sales of Class I milk falls below this standard for the most recent 12-month period for which data are available at the beginning of each such period; no increases are provided for April through June, which are normally months of high production for which supplies are adequate. The adjustment will decrease differentials for each of these series of months by 2 cents per hundredweight for each percentage point that the ratio of supplies to sales exceeds 115 percent for the most recent 12-month period for which data are available prior to the beginning of each such period.

Exception was taken to the inclusion of this supply-demand adjustment on the basis that it was not proposed or supported at the hearing. Pricing proposals at the hearing, however, were to relate Springfield prices to St. Louis prices, which are governed by a similar adjustment. It is concluded that the ratio of supplies to sales in the Springfield market is a more appropriate basis for indicating changes in the Springfield prices than is a similar ratio in St. Louis.

The Class II price should be the basic formula price except that for the months of April through July 1951 such price should be reduced by 15 cents per hundredweight. The basic formula price is the price at which St. Louis handlers who compete for Grade A milk supplies in this area are charged for their Class II milk. It is based on the paying prices of milk for manufacturing purposes, or the market values of manufactured dairy products.

It was proposed that Class II prices be established at the paying prices of five local manufacturing plants, on the basis that these plants represent outlets to which milk surplus to the needs of the market is at times diverted, since not all Springfield handlers have manufacturing facilities. During 1948 and 1949 the paying prices of these five plants have been less than the basic formula prices. Except for short period of flush production the volume of what will be Class II milk has not exceeded the reserves necessary to compensate for day to day variations in Class I sales. In such small amounts approved milk even though used for Class II products has a value in excess of that of unapproved manufacturing milk.

The use of the basic formula price as herein adopted, and the use of such price with a reduction of 20 cents for the months of April through July were also proposed. The record indicates that some adjustment for the months of flush production may be needed to insure that all producer milk will be handled during the flush production season, but is not conclusive on this point.

Since the individual utilization of the several handlers is not available from the record, it is concluded that a reduction of 15 cents per hundredweight of Class II milk should be made for the months of April through July of 1951 only, in order to insure that all producers milk will be received during the initial year of operation of the order.

The class prices determined for milk of 3.5 percent butterfat content should be adjusted by butterfat differentials to determine the value of milk of the actual butterfat content used by a handler in each class. The proponents of the order advocated that for both Class I and Class II milk this butterfat differential be established on the basis of 1.2 times the price of 92-score butter at Chicago, a value generally accepted in the area for the butterfat content of butter. Such a differential would fail to recognize any increased value for butterfat in the Class I products requiring inspected milk, and would allocate the entire difference in value between Class I milk and Class II milk to skim milk. It is concluded that there is increased value of butterfat in Class I milk and that a Class I butterfat differential based on 1.25 times the price of 92-score butter and a Class II butterfat differential based on 1.2 times the price of 92-score butter should be adopted. This is the same butterfat differential provided for in the St. Louis order and will tend to maintain prices between the two markets in appropriate relationship.

7. A market-wide pool should be adopted.

All producers should receive a uniform price without regard to the use made of their milk by the individual handler to whom it was delivered. A market-wide pool will accomplish this result. This type of pool will permit diversion of seasonal surpluses of milk to manufacturing uses as necessary and will require all producers to share the burden of such surpluses. There was no opposition to the proposal for a market-wide pool.

8. Certain other provisions should be adopted in order to carry out administratively the purposes of the regulation.

(a) *Administrative assessments.* Each handler should be required to pay to the market administrator, as his pro rata share of the costs of administration of the order 5 cents per hundredweight, or such amount not to exceed 5 cents per hundredweight, as the Secretary may from time to time prescribe, on receipts of (1) producer milk and (2) other source milk required to be reported.

The market administrator is required to verify the disposition of all milk received in order to properly determine the classification of producer milk. A charge on receipts of other source milk will appropriately apportion the expense among handlers.

In view of the anticipated volume of milk on which the rate would apply, a maximum rate of 5 cents per hundredweight should be adopted to guarantee sufficient administrative income. This is in line with the provision of other milk orders of similar complexity regulating milk handling in markets of about the same size. In the event a lesser amount proves upon experience to be sufficient for proper administration, provisions should be made to enable the Secretary to revise the assessment accordingly within the 5-cent maximum without the necessity of amending the order. The act provides that such assessments shall be the means of financing the cost of administration.

(b) *Deductions for marketing services.* Provisions should be included for furnishing marketing services to producers who do not belong to a cooperative association which performs such services, and appropriate deductions should be made therefor. Such provisions are specifically authorized by the act and the proponents of the order proposed a rate of assessment 5 cents per hundredweight with respect to the milk of such producers to cover expenses in connection with the services to be rendered. The costs of performing such services will vary with the number of producers and the volume of milk. No testimony was offered to show the propriety of any other rate of assessment. In view of the anticipated volume of milk for which such services will be required, it is determined that the deductions for them from payments to producers should be at the rate of 5 cents per hundredweight of milk until such time as it can be determined from experience that a different rate will be appropriate. In the event any cooperative association of producers performs such services for its members, handlers will be required to pay to the cooperative association such deductions as are authorized by the members of the association.

(c) *Reports and records.* The order should require handlers to maintain adequate records and to make certain reports. Such reports and records are necessary for the purpose of determining proper classification and payment for the milk of producers.

Reports of utilization should be filed not later than the seventh day after the end of each delivery period to assure a uniform price announcement by the 12th day after the end of the delivery period.

(d) *Audits.* The order should provide for the auditing of each handler's reports and records as one means of assuring that handlers are complying with the terms of the order. It is necessary also that the handler provide whatever fa-

cilities are necessary to verify reports or to ascertain the correct information regarding the receipts and utilization of milk and payments to producers.

(e) *Payments to producers.* Although the uniform price is computed only once a month, provision should be made for payment to producers semi-monthly. Producers proposed an "advance" payment covering milk delivered during the first 15 days of the month to be made on or before the last day of the month. Producers customarily have been paid twice a month and this practice should be continued. Handlers offered no opposition to this plan of payment. The mid-month payment should be fixed at not less than the rate of the Class II price for the preceding month. The final payment for each month should be made on or before the 15th day after the end of such month. Dates for the filing of handler reports and for the computation and announcement of the uniform price have been adjusted in a manner which will permit handlers to make required payments both to producers and the producer-settlement fund within the respective dates prescribed. Thus, a reasonably adequate time is allowed handlers in which to make final payments to producers.

(f) *Other administrative provisions.* The other provisions of the order which are of a general administrative nature are found in all orders and are necessary for proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed by the market administrator in making computations required by the order. They also provide a plan for liquidation of the order in the event of its suspension or termination.

A "producer-handler" should be exempt from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler, by definition, is a person who does not buy milk from producers and is not responsible for the classification of any such milk. In these respects his situation is different from that of other handlers. On the other hand, such persons frequently change their status. It is necessary, therefore, for the market administrator to receive reports from the producer-handler in order to verify his continued status as such as well as to supplement other market information.

The order should also provide for the retention of necessary records and the ultimate termination of obligations. The provisions with respect to these items are those which experience under other marketing orders has shown to be appropriate.

It was proposed that if a handler fails to make the required reports or payments, his name may be publicly announced by the market administrator, unless otherwise directed by the Secretary. It is concluded that this provision should be adopted since it will facilitate the enforcement of the terms of the order.

Determination of representative period. The month of October 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order to regulate the handling of milk in the Springfield, Missouri, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Springfield, Missouri, Marketing Area," and "Order Regulating the Handling of Milk in the Springfield, Missouri, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached Marketing Agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 15th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order [1] Regulating the Handling of Milk in the Springfield, Missouri, Marketing Area

AUTHORITY: §§ 921.0 to 921.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 921.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held April 17–20, 1950, at Springfield,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Missouri, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Springfield, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined in this part, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (i) producer milk (including such handler's own production) received during the month and (ii) other source milk required to be reported during the month.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Springfield, Missouri, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 921.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 921.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties, pursuant to the act of the Secretary of Agriculture.

§ 921.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

§ 921.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 921.5 *Delivery period.* "Delivery period" means a calendar month during which this order or any amendment thereto is in effect.

§ 921.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 921.7 *Springfield, Missouri, marketing area.* "Springfield, Missouri, marketing area," hereinafter called the marketing area, means all of the territory within the limits of the city of Springfield, Missouri.

§ 921.8 *Producer.* "Producer" means any person other than a producer-handler who produces milk under a dairy farm permit or rating issued by the appropriate health authority of the City of Springfield, Missouri, for the production of milk intended for consumption as Grade A milk in the marketing area, which milk is received at an approved plant directly from the farm at which produced, or is caused to be diverted by a handler from an approved plant to an unapproved plant. Milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person defined as a producer under another Federal milk marketing order with respect to milk produced by him which is received at a plant operated by a handler who is subject to regulation with respect to such milk under such other order and who is partially exempt from the provisions of this order pursuant to § 921.62.

§ 921.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted from an approved plant to an unapproved plant by such cooperative association for its account.

§ 921.10 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is approved by the appropriate health authority of the City of Springfield, Missouri, for the handling of milk in the marketing area, and from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores and routes operated by vendors.)

§ 921.11 *Unapproved plant.* "Unapproved plant" means any milk processing, distributing, or manufacturing plant which is not an approved plant.

§ 921.12 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received by a handler either directly from such producers or from other handlers.

§ 921.13 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 921.14 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 921.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 921.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 921.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Cause to be paid out of the funds provided by § 921.87 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 921.86) necessarily incurred by him in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments of each handler by inspection of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly disclose at his discretion unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which

he is required to perform such acts, has not made (1) reports pursuant to §§ 921.30 through 921.32, or (2) payments pursuant to §§ 921.80 through 921.87.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices and butterfat differentials determined for each delivery period as follows:

(1) On or before the 6th day after the end of each delivery period, the prices and butterfat differentials for each class of milk computed pursuant to §§ 921.51 and 921.52; and

(2) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 921.71 and the butterfat differential computed pursuant to § 921.82; and

(j) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 921.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his approved plants within such delivery period.

(1) Of milk from producers (including his own farm production),

(2) From other handlers, and

(3) Of other source milk (except nonfluid Class II products disposed of in the form in which received without further processing or packaging by the handler).

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement of the disposition of Class I milk on routes wholly outside of the marketing area;

(c) The name and address of each producer from whom milk was received for the first time, and the date on which such milk was first received;

(d) The name and address of each producer who discontinued deliveries of milk, and the date on which delivery ceased; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 921.31 *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler who purchased or received milk from producers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer;

(a) The total pounds of milk received and the average butterfat content thereof,

(b) The amount of payment to each producer or cooperative association, with the prices, deductions, and charges involved.

§ 921.32 *Reports of producer-handlers.* Each producer-handler shall make report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 921.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, and such facilities, as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and end of each delivery period.

§ 921.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the books and records are no longer necessary in connection therewith.

CLASSIFICATION

§ 921.40 *Basis of classification.* All skim milk and butterfat received within the delivery period by a handler at his approved plant(s) which is required to be reported pursuant to § 921.30 shall be classified by the market administrator pursuant to the provisions of §§ 921.41 to 921.46.

§ 921.41 *Classes of utilization.* Subject to the conditions set forth in §§ 921.43 and 921.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (fresh or sour) and products required by the health authority of the City of Springfield, Missouri, to be made from approved butterfat and skim milk; and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat, (1) used to produce any product other than those specified in paragraph (a) of this section, (2) in inventory variation of milk, skim milk, cream, or any Class I product, (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (4) in shrinkage allocated to receipts of other source milk.

§ 921.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 921.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 921.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the seventh day after the end of the delivery period within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II in the plant of the transferee handler after the subtraction of other source milk pursuant to § 921.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located 125 miles or more by shortest highway distance, as determined by the market administrator, from the City Hall in Springfield, Missouri;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located less than 125 miles from the City Hall in Springfield, Missouri, unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the seventh day after the end of the delivery period within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 921.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler, and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk, for such handler.

§ 921.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 921.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 921.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other handlers according to its classification pursuant to § 921.44 (a);

(4) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received in milk from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Determine the pounds of butterfat in each class to be allocated to milk received from producers in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to milk received from producers in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of the milk in each class.

MINIMUM PRICES

§ 921.50 *Basic formula price.* The basic formula price per hundredweight to be used in determining the prices set forth in § 921.51 shall be the higher of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraphs (a) and (b) of this section.

(a) Determine the arithmetic average of the basic or field prices to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Pet Milk Co., Greenville, Ill.
Litchfield Creamery Co., Litchfield, Ill.
Indiana Condensed Milk Co., Bunker Hill, Ill.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows: Multiply by 3.5 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, add 20 percent thereof, and add or subtract, as the case may be, to such sum 3½ cents for each full ½ cent that the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, is above 5½ cents.

§ 921.51 *Class prices.* Subject to the differentials set forth in § 921.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts: $1.08 for the delivery periods of July through December; 83 cents for the delivery periods of January through March; and 63 cents for the delivery periods of April through June: *Provided,* That if, after this order shall have been effective for 12 months, during the 12 months prior to the month immediately preceding each of the following delivery period groups, the total volume of milk received from producers by all handlers was more or less than 115 percent of the total Class I milk disposed of by all handlers (other than producer-handlers, and those partially exempt from this part pursuant to § 921.62) during such 12 months period the following adjustments shall be made to the price for Class I milk for the respective groups of delivery periods:

Delivery period group	For each percentage point that receipts from producers as a percent of class I milk is	
	Below 115 percent (add)	Above 115 percent (subtract)
	Cents	*Cents*
January through March	1	2
April through June	0	2
July through December	2	2

And provided further, That for all delivery periods other than April, May and June from the effective date of this part until the date at which any adjustment, if required, could be effective under the proviso immediately preceding, the Class I price shall be increased 15 cents per hundredweight.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price, except that for the delivery periods of April, May, June and July 1951 the price for Class II milk shall be such basic formula price less 15 cents.

§ 921.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to § 921.51 for each one-tenth of one percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply by 1.25;

(b) *Class II milk.* Multiply by 1.20.

APPLICATION OF PROVISIONS

§ 921.60 *Producer-handlers.* The provisions of §§ 921.40 through 921.46, 921.50 through 921.52, 921.61, 921.70 and 921.71, 921.80 through 921.88, shall not apply to a producer-handler.

§ 921.61 *Interhandler transfers.* Milk which is caused to be diverted by a handler directly from producers' farms to an approved plant of another handler for not more than 15 days during any delivery period shall be considered as having been received by the handler who caused the milk to be diverted; milk received at an approved plant for more than 15 days during any delivery period shall be considered to have been received by the handler who operates such approved plant.

§ 921.62 *Milk priced under other Federal orders.* In case skim milk or butterfat which is priced under another Federal milk marketing agreement or order issued pursuant to the act is disposed of as Class I milk in the marketing area on a route operated by or for a handler who is subject to regulation as

a handler as defined in such other agreement or order, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I milk under this part, is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 921.70 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be the sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, and adding together the resulting amounts: *Provided,* That if the handler had overage of either skim milk or butterfat, there shall be added an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 921.46 by the applicable class prices.

§ 921.71 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 921.70 of all handlers who made the reports prescribed in § 921.30 and who made the payments prescribed in §§ 921.80 through 921.83 for the previous delivery period;

(b) Add the unobligated balance in the producer-settlement fund;

(c) Subtract, if the weighted average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 921.81, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

PAYMENTS

§ 921.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 15th day after the end of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 921.71 adjusted by the butterfat differential computed pursuant to § 921.81 and less the amount of (1) the payment made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 921.88 and (3) deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 921.84, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall, however, complete such payments not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the 28th day of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of the delivery period at not less than the Class II price for the preceding delivery period.

(c) On or before the 13th day after the end of each delivery period, and on or before the 26th day of the delivery period, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) In making payments to producers pursuant to paragraph (a) of this section each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds of milk delivered by the producer, and the average butterfat test thereof, and the pounds per shipment, if such information is not furnished to the producer each day;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 921.86 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

In making payment to a cooperative association pursuant to paragraph (c) of this section, each handler shall furnish the above information to the cooperative association with respect to each producer for whom such payment is made.

(e) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 921.81 *Producer butterfat differential.* In making payments pursuant to § 921.80 (a) each handler shall add to or subtract from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 921.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 921.83 and 921.62 (b), and all appropriate payments pursuant to § 921.85 and out of which he shall make all payments to handlers pursuant to § 921.84 and appropriate payments pursuant to § 921.85: *Provided,* That payment due to any handler shall be offset by payments due from such handler.

§ 921.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to § 921.70, is greater than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential.

§ 921.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to §921.70 is less than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential: *Provided,* That if at such time the balance in the producer-settlement fund is insufficient to make payment pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 921.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books,

records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 921.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 921.80 shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers.

(b) *Deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to producers pursuant to § 921.80 (a) as are authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of such delivery period, pay over such deductions to the cooperative association rendering such services.

§ 921.87 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the delivery period of producer milk (including such handler's own production) and other source milk required to be reported.

§ 921.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part to make available to the market administrator all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notified a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the delivery period during which all such books and records pertaining to such obligation are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 921.90 *Effective time.* The provisons of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 921.91.

§ 921.91 *Suspension or termination.* The Secretary may suspend or terminate any or all of the provisions of this part, whenever he finds that they obstruct or do not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 921.92 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof there are any obligations arising under this part the final accrual or ascertainment of which require further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 921.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 921.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 921.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 51-843; Filed, Jan. 17, 1951; 8:54 a. m.]

[7 CFR, Part 921]

[Docket No. AO-222]

HANDLING OF MILK IN SPRINGFIELD, MO., MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Springfield, Missouri, marketing area), who, during the month of October 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of such order, which is filed simultaneously herewith.[1]

[1] See F. R. Doc. 51-843, *supra*.

The month of October 1950 is hereby determined to be the representative period for the conduct of such referendum.

Wendell M. Costello is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Done at Washington, D. C., this 15th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-842; Filed, Jan. 17, 1951; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 526]

EXEMPTION OF GINNING OF COTTON AS AN INDUSTRY OF SEASONAL NATURE

PRELIMINARY DETERMINATION

An application has been filed by the Texas Cotton Ginners Association for a determination that the industry engaged in the ginning of cotton constitutes an industry of a seasonal nature, under section 7 (b) (3) of the Fair Labor Standards Act of 1938 (Sec. 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

It appears from the foregoing application that:

1. Cotton is harvested and sent to gins during the fall months.

2. Cotton must be ginned within a relatively short period after harvesting in order to prevent deterioration and to protect the maximum value of the cotton. Most gins are active for only about four months out of the year and 80 to 90 per cent of their cotton is ginned in less than three months.

3. Cotton gins engage in the ginning and baling of cotton during a regularly annually recurring period of the year and cease operations except for maintenance, repair, clerical and sales work during the remainder of the year, because the material processed, owing to climatic or other natural conditions, is not available in the form in which it is processed.

Accordingly, upon consideration of the facts stated in said application, the Administrator hereby determines, pursuant to § 526.5 (b) (2), that a prima facie case has been shown for finding that the industry engaged in cotton ginning constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (a).

For purposes of this determination, the term "industry engaged in cotton ginning" includes the following operations, when performed during the period or periods when cotton is being received for ginning: The receiving of seed cotton at the gin, the handling, cleaning, ginning and baling of the cotton, the handling of the baled cotton and cottonseed, and any operations or services necessary or incident to the foregoing, including the placing of the cotton and cottonseed in storage or transportation facilities on or near the premises.

If no objections and request for hearing is received within 15 days following the publication of this preliminary determination, the Administrator pursuant to § 526.5 (b) (2), will make a finding upon the prima facie case. Objections and request for hearing from any interested person should be submitted in writing to the Wage and Hour Division, Department of Labor Building, 14th Street and Constitution Avenue, NW., Washington 25, D. C. The application for exemption may be examined in Room 5422 at this address.

Signed at Washington, D. C., this 15th day of January 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-878; Filed, Jan. 17, 1951; 9:02 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2498, Amdt. 1]

SOUTHWESTERN POWER ADMINISTRATION

DELEGATION OF AUTHORITY TO ACTING ADMINISTRATOR

Paragraph (f) of section 2 of Order No. 2498 is amended to read as follows:

SEC. 2. *Acting Administrator.* * * *

(f) The Executive Assistant, Southwestern Power Administration, shall perform the duties and exercise the powers of the Administrator in case of the death, resignation, absence, or sickness of the Administrator, the Assistant Administrator, the Chief of the Division of Operations, the Chief of the Division of Engineering, the Chief Counsel, and the Controller.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 12, 1951.

[F. R. Doc. 51-816; Filed, Jan. 17, 1951; 8:45 a. m.]

[Order No. 2508, Amdt. 1]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY

1. The following is added to section 10, *Health and welfare matters:*

(g) The negotiation and execution of contracts with states or territories, or political subdivisions thereof, or with any other appropriate state agency or institution, for agricultural assistance, authorized by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. secs. 452-454).

2. The following are added to section 11, *Funds and fiscal matters:*

(l) The investment of restricted trust funds of individual Indians, and of group investment of funds held in the accounts of Indian Bureau Special Disbursing Agents, for individual Indians, Indian Associations and Indian Tribes in any public debt of the United States and in bonds, notes, or other obligations which are unconditionally guaranteed as to both principal and interest by the United States, as provided for by the act of June 24, 1938 (52 Stat. 1037), and the investment of funds of Osage Indians as provided by section 4 of the act of March 3, 1921 (41 Stat. 1250) and section 1 of the act of February 27, 1925 (43 Stat. 1008-1009).

(m) The approval of expenditures or advances of tribal funds to the respective tribes for the purposes set forth and as prescribed in the acts of June 7, 1944 (58 Stat. 271); June 20, 1936 (49 Stat. 1543); June 24, 1946 (60 Stat. 302); sec. 3, May 19, 1947 (61 Stat. 102); sec. 7, April 19, 1950 (Pub. Law 474, 81st Cong., 2d Sess.); including supplements or amendments thereto, and under all other acts which may authorize the expenditure or advance of tribal funds to tribes for like purposes.

3. Section 12, *Education,* (a) is amended to read as follows:

(a) The negotiation and execution of contracts with any State or territory, or political subdivisions thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution, as authorized by the act of June 4, 1936 (25 U. S. C. sec. 452-454).

4. Section 13 (a), *Lands and minerals,* is amended to read as follows:

(a) The approval of leases for oil, gas and other mining purposes covering restricted tribal and allotted Indian lands pursuant to provisions of 25 CFR Parts 183, 186, 189, 195 and 201. The authority conferred by this paragraph extends to and includes the approval of, or other appropriate administrative action required on, all assignments of mineral leases now or hereafter in force on restricted tribal and allotted Indian lands, bonds and other instruments required in connection with such leases or assignments thereof, unit and communitization agreements, well-spacing orders of the Oklahoma Corporation Commission submitted for approval under authority of section 11 of the act of August 4, 1947 (61 Stat. 731), the acceptance of voluntary surrender of such leases by the

lessees, cancellation of leases for violation of terms thereof, and approval of agreements for settlement of claims for damages to Indian lands resulting from oil and gas or other mineral operations.

5. Section 14 (a), *Oil leases; Osage Indian Agency,* is amended to read as follows:

(a) Approve oil leases made by the Osage Tribal Council only after the approval by the Commissioner of Indian Affairs of the schedule of bids covering the particular sale, and resolutions of the Council extending the prescribed periods for drilling of oil wells within the terms of oil leases.

6. The following is added to section 15, *Irrigation matters:*

(d) The approval of the annual and any supplemental apportionment of water each year for the irrigable lands of the San Carlos Indian Irrigation Project, Arizona.

7. Section 25, *Subdelegation,* is amended to read as follows:

SEC. 25 *Subdelegation.* The authority conferred upon the Commissioner in this order may be subdelegated by him to the Associate Commissioner, Assistant Commissioners, Executive Officer, Chief Counsel, Associate Chief Counsel, Assistant Chief Counsel, Branch Chiefs, Area Directors, Superintendents of detached field offices and of agencies, and such other officers of the Bureau of Indian Affairs as are designated by him. The Commissioner may also subdelegate to such officials the authority conferred upon him by the general regulations appearing in 25 CFR, insofar as such authority relates to action in individual cases. Appeal from an action taken by the Superintendent or other officer of an agency pursuant to a subdelegation of authority under this section shall be taken to the Area Director and thence to the Commissioner. Appeal from an action taken by any other officer of the Bureau of Indian Affairs pursuant to a subdelegation of authority under this section shall be taken to the Commissioner. Appeals from the Commissioner shall be taken to the Secretary of the Interior.

(5 U. S. C. sec. 22; 25 U. S. C. secs. 1a, 2, 2a; sec. 2, Reorg. Plan No. 3 of 1950, 15 F. R. 3174).

8. Sections 20, 21 and 22 of the order of January 11, 1949, 14 F. R. 258–260, are hereby repealed.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 11, 1951.

[F. R. Doc. 51-817; Filed, Jan. 17, 1951; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

C. A. Baltz & Sons, Inc., Kingston, N. Y., effective 1–8–51 to 1–7–52; 10 learners, normal labor turnover (pajamas).

Barmon Bros. Co., Inc., 937 Broadway, Buffalo 12, N. Y., effective 1–8–51 to 1–7–52; 10 percent normal labor turnover (wash dresses).

Julius Berger & Co., 34 Oliver Street, Newark 5, N. J., effective 1–5–51 to 1–4–52; seven learners, normal labor turnover (sacques, wrappers and bathrobes).

The Cata Garment Co., 1128 Third Street, Catasauqua, Pa., effective 1–5–51 to 1–4–52; five learners, normal labor turnover (ladies' and children's undergarments).

Charis Corporation, 730 Linden Street, Allentown, Pa., effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (foundation garments).

Charming Lady Cottons, Inc., 1727 Broad Street, South Greensburg, Pa., effective 1–8–51 to 1–7–52; 10 percent normal labor turnover (women's cotton dresses).

City Shirt Co., 19–21 West Vine Street, Mahanoy City, Pa., effective 1–3–51 to 1–2–52; 10 percent normal labor turnover (men's dress and sport shirts; army shirts).

Cumberland Undergarment Co., Inc., Cumberland, Md., effective 1–4–51 to 1–3–52; 10 percent normal labor turnover (ladies' undergarments).

Cutler & Cutler, 728 Cherry St., Philadelphia, Pa., effective 1–4–51 to 1–3–52; five learners on children's snow suits only, normal labor turnover (children's snow suits).

D & I Shirt Co., Inc., 89 Wallace Street, New Haven, Conn., effective 1–4–51 to 1–3–52; 10 percent or 10 learners, for normal labor turnover, whichever is greater (shirts).

Daut Mfg. Co., Red Hill, Pa., effective 1–8–51 to 1–7–52; 10 percent or 10 learners, for normal labor turnover, whichever is greater (children's dresses).

Davis Sportswear, Inc., 100 Canal Boulevard, Trenton, N. J., effective 1–8–51 to 1–7–52; 10 learners, normal labor turnover (men's and women's sportswear).

Dunhill Shirt Co., Glasgow, Mo., effective 1–8–51 to 1–7–52; 10 percent normal labor turnover (men's shirts).

Dunhill Shirt Co., Holden, Mo., effective 1–8–51 to 1–7–52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (shirts).

Even-Pul Foundations, Inc., 47 West Third Street, Williamsport, Pa., effective 1–4–51 to 7–3–51; 25 learners for expansion purposes only (corsets and brassieres).

Even-Pul Foundations, Inc., 47 West Third Street, Williamsport, Pa., effective 1–4–51 to 1–3–52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (corsets and brassieres).

Fairway Mfg. Co., 21 West Nicholai Street, Hicksville, N. Y., effective 1–4–51 to 1–3–52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (blouses).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md., effective 1–3–51 to 1–2–52; 10 learners, normal labor turnover (cotton work clothing).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa., effective 1–3–51 to 1–2–52; 10 percent normal labor turnover (trousers).

Stanley M. Feil Co., 2073 E. Fourth St., Cleveland, Ohio, effective 1–4–51 to 1–3–52; 10 learners, normal labor turnover (ladies' cotton housedresses).

M. Fine & Sons Manufacturing Co., Inc., Fifteenth and Main Streets, New Albany, Ind., effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (cotton work shirts and jackets).

M. Fine & Sons Manufacturing Co., Inc., Ninth and Spring Streets, Jeffersonville, Ind., effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (cotton work trousers).

Franklin Dress Co., 37 East Clinton Street, Newton, N. J., effective 1–8–51 to 1–7–52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (dresses).

Franklin Dress Co., 49 East Church Street, Franklin, N. J., effective 1–8–51 to 1–7–52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (dresses).

Goldstein & Levin, 232 Levergood Street, Johnstown, Pa., effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (women's dresses).

Guilford Garment Co., 920 Guilford Street, Lebanon, Pa., effective 1–3–51 to 1–2–52; five learners, normal labor turnover (blouses).

Hanover Shirt Co., Ashland, Va., effective 1–5–51 to 1–4–52; 10 learners, normal labor turnover (cotton and flannel sport shirts).

Hazleton Dress Co., Inc., 549–561 Hazle Street, Hazleton, Pa., effective 1–8–51 to 1–7–52; 10 percent normal labor turnover (ladies' better dresses).

Helene Lingerie, Inc., 400½ Railroad Street, Danville, Pa., effective 1–5–51 to 1–4–52; 10 percent or 10 learners whichever is greater, for normal labor turnover (ladies' slips).

N. Kasover, 229 North Fourth Street, Easton, Pa., effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (men's trousers).

Kay T. Dress Co., 130 West Main Street, Penns Grove, N. J., effective 1–8–51 to 1–7–52; 10 percent normal labor turnover (dresses and blouses).

Keiser Dress Corp., Oak and Juniper Streets, Shamokin, Pa., effective 1–3–51 to 1–2–52; 10 learners normal labor turnover (dresses).

S. Kramer Pants Co., 711 Main St., Asbury Park, N. J., effective 1–5–51 to 1–4–52; five learners normal labor turnover (boys' pants).

L'Aigion Apparel, Inc., Montgomery, Pa., effective 1–5–51 to 1–4–52; 10 learners normal labor turnover (women's dresses).

Lampl Sportswear Manufacturing Co., 2570 Superior Avenue, Cleveland, Ohio, effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (ladies' dresses and sportswear).

Lancaster Garment Co., Inc., 239–241 North Ann Street, Lancaster, Pa., effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (children's woven cotton dresses).

Langwear, Inc., River Falls, Wis., effective 1–4–51 to 7–3–51; 50 learners for expansion purposes only (children's herringbone twill suits).

Lark Dress Co., Fifth and Walnut Streets, Shamokin, Pa., effective 1–8–51 to 1–7–52; 10 percent or 10 learners whichever is greater, for normal labor turnover (women's, misses' and junior dresses).

Harry E. Lisberg Co., 844 West Adams Street, Chicago 7, Ill., effective 1–5–51 to

1–4–52; two learners in the manufacture of blouses only (cotton blouses).

Manchester Pants Co., Manchester, Md., effective 1–8–51 to 1–7–52; 10 percent or 10 learners whichever is greater, for normal labor turnover (pants).

Marshall Clothing Manufacturing Co., Inc., Butler, Ind., effective 1–3–51 to 1–2–52; 10 learners normal labor turnover (jackets, athletic uniforms and other athletic wear).

Millheim Manufacturing Co., Inc., Center and Water Streets, Millheim, Pa., effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (brassieres).

Mode O'Day Corp., 401 West Twenty-third Street, Fremont, Nebr., effective 1–3–51 to 7–2–51; 20 learners for expansion purposes only (wash dresses).

Mode O'Day Corp., 401 West Twenty-third Street, Fremont, Nebr., effective 1–3–51 to 1–2–52; 10 learners normal labor turnover (wash dresses).

Movie Star Manufacturing Co., 37 South Seventh Street, Allentown, Pa., effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (ladies' woven underwear).

Nanticoke Dress Co., 216 East Broad Street, Nanticoke, Pa., effective 1–4–51 to 1–3–52; 10 percent or 10 learners whichever is greater, for normal labor turnover (dresses, blouses, pajamas).

Raritan Sportswear Co., 375 Stanford Street, Perth Amboy, N. J., effective 1–8–51 to 1–7–52; 10 percent normal labor turnover (men's and boys' sportswear and outerwear).

Regal Shirt Corp., 125 Center Street, Millersburg, Pa., effective 1–5–51 to 1–4–52; 10 percent normal labor turnover (shirts).

H. A. Satin & Co., Inc., 2015 West Iowa Street, Evansville, Ind., effective 1–4–51 to 1–3–52; 10 percent normal labor turnover (women's wash frocks).

H. A. Satin & Co., Inc., 5218 Wentworth Avenue, Chicago, Ill., effective 1–4–51 to 1–3–52; 10 percent normal labor turnover (women's wash frocks).

H. A. Satin & Co., Inc., 521 Iron Street, Negaunee, Mich., effective 1–4–51 to 1–3–52; 10 learners normal labor turnover (women's wash frocks).

School House Dress Co., Inc., 17 North Front Street, St. Clair, Pa., effective 1–16–51 to 1–15–52; 10 learners normal learner turnover (children's dresses, blouses and sportswear).

The Snow & Baker Co., Lower Main Street, Whitefield, N. H., effective 1–5–51 to 1–4–52; five learners normal labor turnover (overalls, jumpers, dungarees).

Topps Manufacturing Co., Kewanna, Ind., effective 1–3–51 to 7–2–51; 35 learners for expansion purposes only (coveralls, shirts, and pants).

United Pants Co., Inc., Naungola Branch, R. D. No. 2, Mountain Top, Pa., effective 1–8–51 to 1–7–52; five learners normal labor turnover (pants and jackets).

Warrenshire Manufacturing Co., Inc., 50 River Street, Warrensburg, N. Y., effective 1–3–51 to 1–2–52; 10 percent normal labor turnover (men's shirts).

Wayne Sportswear Co., 238 West North Street, Waynesboro, Pa., effective 1–8–51 to 1–7–52; 10 percent or 10 learners whichever is greater, for normal labor turnover (men's trousers).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 400).

Aris Fabric Corp., Lassellsville, N. Y., effective 1–8–51 to 1–7–52; 10 percent normal labor turnover.

Zwicker Knitting Mills, Appleton, Wis., effective 1–8–51 to 7–7–51; 60 learners for expansion purposes only.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Red Hook Telephone Co., Rhinebeck, N. Y., effective 1–4–51 to 1–3–52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Olympic Manufacturing Co., Scranton, Pa., effective 1–8–51 to 1–7–52; five learners normal labor turnover.

O'Mearn Manufacturing Co., Bally, Pa., effective 1–8–51 to 1–7–52; three learners normal labor turnover.

Winston Manufacturing Co., Inc., Haleyville, Ala., effective 1–8–51 to 7–7–51; 100 learners for expansion purposes only.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated in parentheses respectively.

Rico Television Corp., Hato Rey, P. R. (1–1–51 to 3–30–51; total 100 learners at 35 cents per hour, including 20 soldering, 160 hours; 60 wiring, 160 hours; and 20 testing, 160 hours) (frequency modulated radio receivers).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Altoona Shoe Co., Inc., 2817 Industrial Avenue, Altoona, Pa., effective 1–4–51 to 6–30–51; 50 learners for expansion purposes (night shift only).

Altoona Shoe Co., Inc., 2817 Industrial Avenue, Altoona, Pa., effective 1–4–51 to 6–30–51; 50 learners for expansion purposes only.

Brown Shoe Co., 825 Sycamore Street, Vincennes, Ind., effective 1–5–51 to 11–15–51; 10 percent normal labor turnover.

Federal Sportshoe Co., Darrah Street, Richmond, Maine, effective 1–8–51 to 11–15–51; 10 percent normal labor turnover.

The H. C. Godman Co., 46 East Fulton Street, Columbus, Ohio, effective 1–5–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., 109 East Fifth Street, Fulton, Mo., effective 1–5–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., East Fourth Street, Hermann, Mo., effective 1–4–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., Houston, Mo., effective 1–4–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., Salem, Mo., effective 1–4–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., State Street, Vandalia, Mo., effective 1–8–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., Ste. Genevieve, Mo., effective 1–8–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe (Fulton Stitchdown Factory), Fulton, Mo., effective 1–5–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., Hamilton, Mo., effective 1–10–51 to 10–15–51; 10 percent normal labor turnover.

International Shoe Co., 919 West Liberty Street, Mexico, Mo., effective 1–10–51 to 11–15–51; 10 percent normal labor turnover.

The Charles Meis Shoe Manufacturing Co., South and Cherry Streets, Lebanon, Ohio, effective 1–5–51 to 11–15–51; 10 percent normal labor turnover.

P. W. Minor & Son, Inc., 33 State Street, Batavia, N. Y., effective 1–4–51 to 10–15–51; 10 percent normal labor turnover.

Roth, Rauh & Heckel, Inc., Ripley, Ohio, effective 1–5–51 to 11–15–51; 10 percent normal labor turnover.

Saco-Moc Shoe Co., Quoddy Village, Eastport, Maine, effective 1–8–51 to 11–15–51; 10 percent normal labor turnover.

Saco-Moc Shoe Corp., Quoddy Village, Eastport, Maine, effective 1–8–51 to 7–15–51; 35 learners for expansion purposes only.

The G. Edwin Smith Shoe Co., 110 West Long Street, Columbus, Ohio, effective 1–5–51 to 11–15–51; 10 percent normal labor turnover.

Sun Shu Inc., 67 Market Street, Elizabethville, Pa., effective 1–5–51 to 11–15–51; five learners normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Alexander & Baun, Los Angeles, Calif., effective 1–4–51 to 1–3–52; three learners normal labor turnover; machine operating (except cutting), handsewers, each 240 hours; not less than 65 cents per hour (bridal veils and bridesmaids' hats).

Bond Stores, Inc., Rochester, N. Y., effective 1–4–51 to 1–3–52; 7 percent normal labor turnover, in the manufacture of men's clothing only; machine operating (except cutting), pressers, handsewers, each 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's suits and coats).

Cornell-Dubilier Electric Corp. (Worcester Division), Worcester, Mass., effective 1–8–51 to 7–7–51; 200 learners for expansion purposes only; condenser making operations, 480 hours, not less than 65 cents per hour for the first 80 hours and at least 70 cents per hour for the remaining 400 hours (electrical products).

Cornell-Dubilier Electric Corp. (Worcester Division), Worcester, Mass., effective 1–8–51 to 7–7–51; 10 percent normal labor turnover; condenser making operations, 480 hours, not less than 65 cents per hour for the first 80 hours and at least 70 cents per hour for the remaining 400 hours (electrical products).

Cornell-Dubilier Electric Corp. (Providence Division), Providence, R. I., effective 1–8–51 to 7–7–51; 10 percent normal labor turnover; condenser making operations, 480 hours, not less than 65 cents per hour for the first 80 hours and at least 70 cents per hour for the remaining 400 hours (electrical products).

Cornell-Dubilier Electric Corp. (Providence Division), Providence, R. I., effective 1–8–51 to 7–7–51; 200 learners for expansion purposes only; condenser making operations, 480 hours, not less than 65 cents per hour for the first 80 hours and at least 70 cents per hour for the remaining 400 hours (electrical products).

Day Wood Heel Co., Cincinnati, Ohio, effective 1–8–51 to 7–7–51; two learners normal labor turnover; wood heel coverers, 240 hours, not less than 65 cents per hour (wood heels).

Magura Clothing Co., Monessen, Pa., effective 1–4–51 to 1–3–52; 7 percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each 480 hours, not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaiinng 240 hours (men's and boys' suits and sport coats).

Charles Navasky & Co., Inc., Osceola Mills, Pa., effective 1–9–51 to 7–8–51; nine learners for expansion purposes only; machine operating (except cutting), 480 hours, 60 cents for the first 240 hours and not less than 65 cents for the remaining 240 hours (men's and boys' clothing).

Pequea Works, Inc., Strasburg, Pa., effective 1–4–51 to 7–3–51; four learners normal labor turnover; fly tiers only, 240 hours, not less than 65 cents per hour (fishing tackle).

Portis Style Ind., Inc., Michigan City, Ind., effective 1–6–51 to 1–4–52; 10 percent normal labor turnover; machine operator (except

cutter), presser, handsewer, each 240 hours, not less than 65 cents per hour (men's fur felt hats).

Silvertex Co., Philadelphia, Pa., effective 1-8-51 to 1-7-52; seven percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each 480 hours, not less than 60 cents per hour for the first 240 hours and at least 65 cents per hour for the remaining 240 hours (men's clothing).

Rownd & Son, Inc., Dillon, S. C., effective 1-4-51 to 7-3-51; 10 learners normal labor turnover; braider, mat stapling machine operator, end stapling machine operator, each 240 hours, not less than 60 cents per hour (baskets).

Style Manufacturing Co., Philadelphia, Pa., effective 1-5-51 to 7-4-51; five learners normal labor turnover; machine operators (except cutters), 240 hours, not less than 65 cents per hour (millinery).

Thompson Manufacturing Co., 701-703 Highway, McAllen, Tex., effective 12-27-50 to 6-26-51; 50 learners normal labor turnover; sewing machine operator, 160 hours, not less than 60 cents per hour (canvas products).

Webster Clothes, Inc., Westminster, Md., effective 1-8-51 to 1-7-52; seven percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each 480 hours, not less than 60 cents per hour for the first 240 hours and at least 65 cents per hour for the remaining 240 hours (men's topcoats and overcoats).

Wolfs Sons Manufacturing Co., Inc., Philadelphia, Pa., effective 1-8-51 to 1-7-52; seven percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each 480 hours, not less than 60 cents per hour for the first 240 hours and at least 65 cents per hour for the remaining 240 hours (men's sack coats).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 11th day of January 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-879; Filed, Jan. 17, 1951; 9:02 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[454.41]

TARIFF CLASSIFICATION

NOTICE OF PROSPECTIVE CLASSIFICATION OF FUR FELT BERETS AS HATS IN CHIEF VALUE OF ANIMAL FUR

JANUARY 12, 1951.

It appears probable that a correct interpretation of paragraph 1526 (a) requires that fur felt berets be classified thereunder at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d), Customs Regulations of 1943, notice is hereby given that the existing uniform practice of classifying such mercahndise under paragraph 1519, Tariff Act of 1930, as modified, as articles in chief value of fur, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 51-852; Filed, Jan. 17, 1951; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4387 et al.]

WISCONSIN CENTRAL AIRLINES, INC.; WISCONSIN CENTRAL CERTIFICATE RENEWAL CASE

AMENDED NOTICE OF HEARING

In the matter of the application of Wisconsin Central Airlines, Inc., for renewal of its certificate of public convenience and necessity.

Notice is hereby given that the place of hearing in the above-entitled proceeding is changed to Conference Room B, Departmental Auditorium, Commerce Building, Fourteenth Street and Constitution Avenue, NW., Washington, D. C. The date and time of hearing remain as originally assigned, January 22, 1951, at 10:00 a. m., e. s. t.

Dated at Washington, D. C., January 15, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-851; Filed, Jan. 17, 1951; 8:56 a. m.]

[Docket No. SA-225]

ACCIDENT OCCURING AT CHICAGO MIDWAY AIRPORT, CHICAGO, ILL.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-79982, which occurred at Chicago Midway Airport, Chicago, Illinois, on January 4, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, January 23, 1951, at 9:00 a. m. (local time) in the Prado Room, Del Prado Hotel, 53d Street and Hyde Park Boulevard, Chicago, Illinois.

Dated at Washington, D. C., January 12, 1951.

[SEAL] FRANCIS H. MCADAMS,
Presiding Officer.

[F. R. Doc. 51-850; Filed, Jan. 17, 1951; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1340]

CITY OF CARROLLTON, KY.

NOTICE OF ORDER DISMISSING APPLICATION

JANUARY 12, 1951.

Notice is hereby given that, on January 10, 1951, the Federal Power Commission issued its order entered January 9, 1951, dismissing application in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-821; Filed, Jan. 17, 1951; 8:47 a. m.]

[Docket No. G-1456]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF FINDINGS AND ORDER

JANUARY 12, 1951.

Notice is hereby given that, on January 10, 1951, the Federal Power Commission issued its findings and order entered January 9, 1951, issuing certificate of public convenience and necessity and dismissing application as to part of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-822; Filed, Jan. 17, 1951; 8:47 a. m.]

[Docket No. G-1493]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

JANUARY 12, 1951.

Notice is hereby given that, on January 10, 1951, the Federal Power Commission issued its findings and order entered January 9, 1951, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-823; Filed, Jan. 17, 1951; 8:48 a. m.]

[Docket No. G-1566]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

JANUARY 12, 1951.

Take notice that Arkansas Louisiana Gas Company (Applicant), a Delaware corporation of Shreveport, Louisiana, filed on December 20, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct:

(1) Approximately 8 miles of 14-inch pipeline to parallel Applicant's Existing Line AM-45 in Miller County, Arkansas.

(2) Approximately 5.16 miles of 10¾-inch pipeline and 4.63 miles of 8⅝-inch

pipeline to replace 9.79 miles of smaller sized pipeline on Applicant's Line CM–14 in Bowie County, Texas.

(3) Miscellaneous short sections of pipeline to extend from Line CM–14 to points within Red River Arsenal, Bowie County, Texas, together with appurtenant metering and regulating facilities.

The proposed facilities are necessary to serve the increased firm requirements of the Red River Arsenal and the domestic and commercial customers in that area. The proposed facilities are estimated to increase the delivery capacity from 1,550 Mcf per hour to 2,050 Mcf per hour with a terminal pressure of 25 pounds.

The estimated cost of the proposed facilities is $331,659 (book cost of facilities to be retired is $40,370), to be financed out of cash reserves.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–820; Filed, Jan. 17, 1951; 8:47 a. m.]

[Docket No. G–1567]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF APPLICATION

JANUARY 12, 1951.

Take notice that Mississippi Power & Light Company (Applicant), a Florida corporation with its principal place of business at Jackson, Mississippi, filed on December 21, 1950, an application requesting that it be found not to be a natural-gas company within the meaning of the Natural Gas Act, as amended, and in the alternative for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the lease and operation of certain natural-gas distribution facilities hereinafter described and as more fully described in the application.

Applicant proposes to lease approximately 68,000 feet of 4-inch natural-gas transmission pipe line and appurtenant facilities extending westward from a metering station on the 26-inch pipe line of Texas Gas Transmission Corporation at Pace, Mississippi, to Rosedale, Mississippi; and related distribution facilities in communities along the line through which Applicant proposes to distribute natural gas. Such facilities are owned by the Bolivar Natural Gas District, a municipality in the State of Mississippi.

Applicant also proposes to lease approximately 112,000 feet of 4-inch natural-gas transmission pipeline extending southward from a metering station on the 26-inch pipeline of Texas Gas Transmission Corporation north of Coldwater, to Horn Lake, Nesbit, Hernando and Coldwater, all in Mississippi, and appurtenant facilities and distribution lines in said communities through which Applicant proposes to distribute natural gas. Such facilities are owned by the DeSota Natural Gas District, a municipality of the State of Mississippi.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 2d day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–844; Filed, Jan. 17, 1951; 8:55 a. m.]

[Docket No. G–1578]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

JANUARY 12, 1951.

Take notice that on January 3, 1951, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of:

(a) A natural-gas transmission pipeline approximately 195 miles in length (consisting of 160 miles of 26-inch pipeline and 35 miles of 24-inch pipeline) extending from a point in the North Tepetate Field in Acadia Parish, Louisiana, in a northeasterly direction to a point near Applicant's Guthrie, Louisiana, compressor station, and thence in a northeasterly direction to Applicant's Bastrop, Louisiana, compressor station located in Morehouse Parish, Louisiana.

(b) 369 miles of 26-inch loop pipeline, and 2 submarine river crossings under the Mississippi River, adjacent to portions of the Applicant's existing 26-inch pipeline system.

(c) 10½ miles of 8-inch lateral pipeline extending from Applicant's 26-inch main line near Louisville, Kentucky, to the Ohio River; two 8-inch line river crossings under the Ohio River, each approximately 5,600 feet in length; approximately 100 feet of 8-inch lateral pipeline extending northward from the Ohio River to a point near New Albany, Indiana; and a sales meter at that point interconnecting with the lines of Indiana Gas & Water Company near Jeffersonville, Indiana.

(d) A compressor station near Madison, Indiana, with an aggregate horsepower of 4,400.

(e) Additional compressor capacity in certain of Applicant's compressor stations as follows:

3,520 horsepower, Bastrop (Louisiana).
1,320 horsepower, Slaughters (Kentucky).
3,000 horsepower, Hardinsburg (Kentucky).
1,500 horsepower, Jeffersontown (Kentucky).

Applicant proposes to serve through the requested facilities the increasing demands of its full requirements customers, an additional 20,000 Mcf of natural gas per day to the Louisville Gas and Electric Company, and an additional 95,000 Mcf of natural gas per day to the Ohio Fuel Gas Company.

It is stated that by February of 1951 daily firm deliveries of natural gas to Applicant's customers will reach the full capacity of Applicant's presently authorized pipeline facilities, and that without the addition of facilities for which a certificate is here requested Applicant will be unable to supply the increased demands of its customers. The Applicant states that it proposes to obtain a major portion of the additional supply of natural gas to be transported through the proposed new facilities by purchase from Applicant's wholly-owned subsidiary companies, Louisiana Natural Gas Corporation and Texas Northern Gas Corporation. The balance of the gas required for the proposed facilities is proposed to be obtained under long-term contracts, which, it is said, are now being negotiated with other suppliers.

The estimated total over-all capital cost of the proposed facilities is $42,310,000. Applicant proposes to finance the construction of the proposed facilities from proceeds to be received from the sale of First Mortgage bonds and such other securities as may be more advantageously sold and from cash on hand. It is stated that a detailed plan for financing will be furnished to the Commission at a later date.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 31st day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–819; Filed, Jan. 17, 1951; 8:46 a. m.]

[Docket No. IT–5971]

SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER CONFIRMING AND APPROVING AMENDMENT TO RATE SCHEDULE

JANUARY 12, 1951.

Notice is hereby given that, on January 10, 1951, the Federal Power Commission issued its order entered January 9, 1951, confirming and approving amendment to rate schedule in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–824; Filed, Jan. 17, 1951; 8:48 a. m.]

[Project No. 2006]

PUBLIC POWER AND WATER CORP.

NOTICE OF ORDER DENYING APPLICATION FOR LICENSE

JANUARY 12, 1951.

Notice is hereby given that, on January 11, 1951, the Federal Power Com-

mission issued its order entered January 9, 1951, denying application for license in the above-designed matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-825; Filed, Jan. 17, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25742]

VARIOUS COMMODITIES FROM SOUTH TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

JANUARY 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1013 and other tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, in carloads.

From: Points in southern territory.

To: Points in southern and official territories.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-838; Filed, Jan. 17, 1951; 8:53 a. m.]

[4th Sec. Application 25743]

WROUGHT IRON PIPE FROM WILMINGTON, DEL., TO CERTAIN POINTS

APPLICATION FOR RELIEF

JANUARY 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3748.

Commodities involved: Steel or wrought iron pipe, and related articles, carloads.

From: Wilmington, Del.

To: Points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3748, Supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-839; Filed, Jan. 17, 1951; 8:53 a. m.]

[4th Sec. Application 25744]

BENZOL FROM ALABAMA, TENNESSEE, AND GEORGIA TO BROWNSVILLE AND STRANG, TEX.

APPLICATION FOR RELIEF

JANUARY 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3715.

Commodities involved: Benzol (benzene), in carloads.

From: Alabama City, Ala., Birmingham, Ala., and points taking same rates, Chattanooga, Tenn., and Rossville, Ga.

To: Brownsville and Strang, Tex.

Grounds for relief: Competition with rail carriers. Market competition. To maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3715, Supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-840; Filed, Jan. 17, 1951; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-576]

NORTHERN NATURAL GAS CO. AND PEOPLES NATURAL GAS CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of January 1951.

Notice is hereby given that Northern Natural Gas Company ("Northern"), a registered holding company, and its public-utility subsidiary, Peoples Natural Gas Company ("Peoples"), have filed with this Commission a joint application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act"), and the rules and regulations promulgated thereunder, requesting that the Commission issue an order exempting Northern and Peoples as a holding company and a subsidiary respectively, from any or all of the provisions of the act.

All interested persons are referred to said joint application, which is on file in the offices of this Commission, for a statement of the allegations therein contained, which are summarized as follows:

Northern, a Delaware corporation, is engaged in the purchase, production, transmission and sale of natural gas, both for resale and for consumptive use, in interstate commerce. Its main transmission line extends northeast from Texas through Oklahoma, Kansas, Nebraska, Iowa, Minnesota, and South Dakota. Among others, it sells natural gas to municipalities and gas utility companies (including Peoples) through town-border connections along its pipeline. Its principal office is in Omaha, Nebraska. It has only one subsidiary, Peoples, a wholly owned gas utility company. As of July 31, 1950, Northern's gross gas plant, on a consolidated basis, was carried on its books at $139,742,611 and its net gas plant at $107,833,214. For the twelve months' period ending July 31, 1950, Northern's gross revenues, on a consolidated basis, amounted to $31,053,018 and its net operating income amounted to $7,554,285, after elimination of inter-company transactions. During this period its gas sales amounted to $27,091,675, of which $20,242,272 represented sales to gas utilities other than its subsidiary and $2,737,674 represented sales

to its subsidiary. The balance of such sales was made to industrial users, grantors of right-of-way, and others.

Peoples, also a Delaware corporation, is a gas utility company as defined by section 2 (a) (4) of act. Its principal office is located in Omaha, Nebraska. As such it conducts a retail gas distribution business exclusively in the States of Kansas, Nebraska, Iowa and Minnesota, serving approximately 44,438 customers in 88 communities in those states. It receives all of its natural gas supply from Northern. As of July 31, 1950, Peoples' gross gas plant was carried on its books at $5,951,341 and its net gas plant was carried at $4,122,709. For the twelve months period ending July 31, 1950, Peoples had gross revenues from gas sales of $5,579,634 representing approximately 17.97 percent of consolidated gross operating revenues of Northern and net operating income of $945.417, representing approximately 12.52 percent of consolidated net operating income of Northern for the same period. Peoples has no subsidiary company.

The application, among other things, states that Northern is a non-utility company and is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company, and that it owns all of the outstanding securities of Peoples.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said joint application and that said joint application shall not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing with respect to said joint application, pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, be held on March 12, 1951, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding should file with the Secretary of the Commission, on or before March 9, 1951, a written request with respect thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said joint application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice however, to the specification of additional matters or questions upon further examination:

(1) Whether the joint application meets the requirements of section 3 (a) (3) of the act, and particularly, whether Northern "is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company";

(2) Whether, in the event Northern is "only incidentally a holding company" within the meaning of section 3 (a) (3) of the act, the granting of the requested exemption to Northern and/or Peoples from any or all provisions of the act would be detrimental to the public interest or to the interest of investors or consumers;

(3) Whether Northern is a gas utility company as defined in section 2 (a) (4) of the act; and

(4) Generally, whether the application meets the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Northern and Peoples, the Federal Power Commission, the Kansas State Corporation Commission, the State Railway Commission of Nebraska, the Railroad Commission of Texas, The Oklahoma Corporation Commission, the Iowa Executive Council, and to all other interested persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by the publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-827; Filed, Jan. 17, 1951; 8:48 a. m.]

[File No. 70-2550]

LEE MOOR

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of January A. D. 1951.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Lee Moor. Applicant has designated sections 9 (a) (2) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than January 26, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 26, 1951, said application, as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Applicant states that he is an affiliate of Southern Union Gas Company ("Southern"), as that term is defined in section 2 (a) (11) (A) of the act, by reason of his ownership of 219,900 shares or 14.61 percent of Southern's outstanding voting securities, including 99,708 shares held as trustee for Betty Lee Moor McGuire and 1,803 shares held as trustee for Bess Waskey. Applicant states that he is also an affiliate of Arkansas Western Gas Company by reason of his ownership of 43,517 shares, or 16.53 percent, of the outstanding voting securities of that company. Applicant proposes to acquire, directly or indirectly, warrants entitling him to subscribe, directly or indirectly, for not to exceed 21,990 shares, including 10,151.1 shares as trustee of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants to acquire, directly or indirectly, 21,990 shares of such additional common stock, including 10,151 shares as trustee, at $16.00 per share. Applicant also proposes to acquire, directly or indirectly, additional shares, if any, which the warrants authorize to be subscribed, subject to allotment and which are in fact allotted thereunder. Applicant states that, if desirable, he proposes to acquire as trustee for Betty Lee Moor McGuire all or any part of the warrants issuable to him in his individual capacity pursuant to warrant offering by Southern, or the common stock subject to subscription pursuant to such warrants, or both such warrants and common stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-826; Filed, Jan. 17, 1951; 8:48 a. m.]

CLAY INVESTMENT CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of Lum Clay, dba Clay Investment Company, 240 Key Building, Oklahoma City, Oklahoma.

I. The Commission's public official files disclose that Lum Clay, doing business as Clay Investment Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to sec-

tion 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of Investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-828; Filed, Jan. 17, 1951; 8:49 a. m.]

[1] Filed as part of the original document.

W. H. CARRAHER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of W. H. Carraher, 218 East Third Street, Wichita, Kansas.

I. The Commission's public official files disclose that W. H. Carraher, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-829; Filed, Jan. 17, 1951; 8:49 a. m.]

OWEN R. CAFFERKEY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of Owen R. Cafferkey, 806 Ratcliffe Avenue, Shreveport, Louisiana.

I. The Commission's public official files disclose that Owen R. Cafferkey, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission

a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February, 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-830; Filed, Jan. 17, 1951; 8:50 a. m.]

L. B. EMBREY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of L. B. Embrey, Rex Hotel, Shreveport, Louisiana.

I. The Commission's public official files disclose that L. B. Embrey, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-831; Filed, Jan. 17, 1951; 8:50 a. m.]

F. M. ANDREWS

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of F. M. Andrews, 258 Merchant Street, Abilene, Texas.

I. The Commission's public official files disclose that F. M. Andrews, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required

[1] Filed as part of the original document.

by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–832; Filed, Jan. 17, 1951; 8:50 a. m.]

J. F. COLLEY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of J. F. Colley, 660 First National Building, El Paso, Texas.

I. The Commission's public official files disclose that J. F. Colley, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–833; Filed, Jan. 17, 1951; 8:51 a. m.]

JOHN C. MCKEEL

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of John C. McKeel, 625 NW. 18th Street, Oklahoma City, Oklahoma.

I. The Commission's public official files disclose that John C. McKeel, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

[1] Filed as part of the original document.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-834; Filed, Jan. 17, 1951; 8:51 a. m.]

FLOYD S. NELSON & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of Floyd S. Nelson & Company, 606 Southwestern Life Building, Dallas, Texas.

I. The Commission's public official files disclose that Floyd S. Nelson & Company, a sole proprietorship, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-835; Filed, Jan. 17, 1951; 8:52 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16294]

EDELEANU GESELLSCHAFT M. B. H. AND TEXAS CO.

In re: Agreement dated October 23, 1936 between Edeleanu Gesellschaft m. b. H. and The Texas Company.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edeleanu Gesellschaft m. b. H. whose last known address is Berlin, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Edeleanau Gesellschaft m. b. H. by virtue of an agreement dated October 23, 1936 (including all modifications thereof or supplements thereto) by and between The Texas Company and Edeleanu Gesellschaft m. b. H., which agreement relates, among other things, to United States Letters Patent No. 2,086,484,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-856; Filed, Jan. 17, 1951; 8:56 a. m.]

[Vesting Order 16295]

EDELEANU GESELLSCHAFT M. B. H. AND TEXAS CO.

In re: Agreement dated August 18, 1938 between Edeleanu Gesellschaft m. b. H. and The Texas Company.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edeleanu Gesellschaft m. b. H. whose last known address is Berlin, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, which has or on or since the effective date of Executive Order 8399, as amended, has had its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Edeleanu Gesellschaft m. b. H. by virtue of an agreement dated August 18, 1938 (including all modifications thereof and supplements thereto) by and between The Texas Company and Edeleanu Gesellschaft m. b. H. which agreement relates, among other things, to United States Letters Patent No. 2,083,893,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-857; Filed, Jan. 17, 1951; 8:57 a. m.]

[Vesting Order 16594]

INE KASAI ET AL.

In re: Rights of Ine Kasai, et al. under insurance contracts. Files No. F-39-1086-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ine Kasai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Tomitaro Kasai, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 1217784 and 1381933, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tomitaro Kasai, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ine Kasai or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Tomitaro Kasai, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Tomitaro Kasai, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-859; Filed, Jan. 17, 1951; 8:57 a. m.]

[Vesting Order 16694]

GEORGE Y. NISHIMURA

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of George Y. Nishimura, deceased. F-39-1369-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of George Y. Nishimura, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation evidenced by a check numbered 1011, dated January 23, 1945, in the amount of $211.44, drawn by Valentine C. Hammack as Liquidating Trustee of Sumitomo Bank of Seattle, payable to Geo. Y. Nishimura & Co. Inc., and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in and under said check including particularly the right to possession and presentation for payment thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of George Y. Nishimura, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, lega-

tees and distributees of George Y. Nishimura, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-860; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16695]

MITSUO OKAMOTO

In re: Bonds owned by Mitsuo Okamoto, also known as M. Okamoto. F-39-1233-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsuo Okamoto, also known as M. Okamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) Taiwan Electric Power Co., Ltd., 5½ percent Bonds, of $1,000 face value each, bearing the numbers 5054 and 10502, presently in the custody of Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-861; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16723]

EMIL HOFFMAN

In re: Debts owing to Emil Hoffman, also known as Emil Hofmann. F-28-29962-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Hoffmann, also known as Emil Hofmann, whose last known address is Ottobrunn 6, Schuetzenstrasse 4, Munich, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by a note in the principal sum of $12,000, dated January 30, 1931, bearing interest at 6 percent per annum, issued by Emil Frei, Inc., 3934 South Grand Boulevard, St. Louis 18, Missouri, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid note.

b. That certain debt or other obligation, matured or unmatured, evidenced by a note in the principal sum of $700, dated January 1, 1933, bearing interest at 6 percent per annum, issued by Emil Frei, Inc., 3934 South Grand Boulevard, St. Louis 18, Missouri, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid note, and

c. That certain debt or other obligation owing to Emil Hoffmann, also known as Emil Hofmann, by Emil Frei, Inc., 3934 South Grand Boulevard, St. Louis 18, Missouri, representing accrued and unpaid salary due Emil Hoffmann and advances by Emil Hoffmann, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-862; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16725]

THOMAS A. HOWARD ET AL.

In re: Bonds owned by Thomas A. Howard et al. F-39-1938-D-1, F-39-3210-D-1, F-39-1945-D-1, F-39-5131-D-1, D-2, F-39-2772-D-1, F-39-5132-D-1, D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thomas A. Howard and Fusa Howard, whose last known address is 354 Honmoku, Motomachi, Yokohama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That Freda Joseph, whose last known address is c/o Tor Hotel, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That Lionel J. Nuzum, whose last known address is c/o Blad & McClure, 72 Kyo-Machi, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

4. That Yamada Yasuko, whose last known address is c/o Dai-Ichi Ginko, Higashi-Ku, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

5. That the Japan China Spinning and Weaving Company, Limited, whose last known address is 98 Robinson Road, Shanghai, China, which there is reason-

able cause to believe is, or on or since the effective date of Executive Order 8389, as amended, has been controlled, or a substantial part of the stock or shares of which is or on or since said date has been owned or controlled directly or indirectly, by nationals of a designated enemy country (Japan), is a national of a designated enemy country (Japan);

6. That The Shanghai Cotton Manufacturing Company, Ltd., whose last known address is 185 Szechuen Road, Shanghai, China, which there is reasonable cause to believe is, or on or since the effective date of Executive Order 8389, as amended, has been controlled, or a substantial part of the stock or shares of which is or on or since said date has been owned or controlled, directly or indirectly, by nationals of a designated enemy country (Japan), is a national of a designated enemy country (Japan);

7. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $42,000.00, principal amount, registered in the names of Thomas A. Howard and Fusa Howard, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Thomas A. Howard and Fusa Howard, the aforesaid nationals of a designated enemy country (Japan);

8. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $28,800.00, principal amount, registered in the name of Freda Joseph, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Freda Joseph, the aforesaid national of a designated enemy country (Japan);

9. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $33,000.00, principal amount, registered in the name of Lionel J. Nuzum, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures, and

b. Seventy-five (75) shares of no par value 6 Tael Silver cumulative preferred capital stock of Shanghai Power Company, a corporation organized under the laws of the State of Delaware, registered in the name of Lionel Nuzum, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lionel J. Nuzum, the aforesaid national of a designated enemy country (Japan);

10. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ Percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $27,000.00, principal Amount, registered in the name of Yamada Yasuko, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yamada Yasuko, the aforesaid national of a designated enemy country (Japan);

11. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ Percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $20,500.00, principal amount, registered in the name of Japan China Spinning and Weaving Company, Limited, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

b. Three Hundred Seventy-five (375) shares of no par value 6 Tael Silver cumulative preferred capital stock of Shanghai Power Company, a corporation organized under the laws of the State of Delaware, registered in the name of Japan-China Spinning and Weaving Company, Ltd., together with all declared and unpaid dividends thereon, and

c. Two Hundred (200) shares of common capital stock of Far East Power Corporation, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NY32, registered in the name of Japan-China Spinning and Weaving Co., Ltd., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Japan-China Spinning and Weaving Company, Limited, the aforesaid national of a designated enemy country (Japan);

12. That the property described as follows:

a. Those certain debts or other obligations matured or unmatured, evidenced by First Mortgage 5½ Percent Debentures, of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $4,000.00, principal amount, registered in the name of the Shanghai Cotton Manufacturing Company, Ltd., and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

b. Five Hundred Ninety-eight (598) shares of no par value 6 Tael Silver cumulative preferred capital stock of Shanghai Power Company, a corporation organized under the laws of the State of Delaware, registered in the name of The Shanghai Cotton Manufacturing Company, Limited, together with all declared and unpaid dividends thereon,

c. Six Hundred Fifty (650) shares of common capital stock of Far East Power Corporation, Two Rector Street, New York 6, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NY41, registered in the name of Shanghai Cotton Manufacturing Co., Ltd., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by The Shanghai Cotton Manufacturing Company, Ltd., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

13. That the Japan China Spinning and Weaving Company, Limited, and The Shanghai Cotton Manufacturing Company, Ltd., are controlled by or acting for or on behalf of a designated enemy country (Japan) or persons within such country and are nationals of a designated enemy country (Japan);

14. That to the extent that the persons named in subparagraphs 1 to 6 inclusive, hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-863; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16296]

PAUL WANGEMANN AND RADIO PATENTS CORP.

In re: Agreement dated October 27, 1937, between Paul Wangemann and Radio Patents Corporation and interests of Paul Wangemann in and to certain United States Letters Patent.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Wangemann, whose last known address is Berlin, Germany, is a resident of Germany, and a national of a foreign country (Germany);

2. That the property described as follows: (a) An undivided seventy-five percent (75 percent) interest in and to the below listed United States Letters Patent, including seventy-five percent (75 percent) of all accrued royalties and seventy-five percent (75 percent) of all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement of said patents:

Patent No.	Date of issue	Inventor	Title
2,140,343	Dec. 13, 1938	Paul Wangemann	Circuit Breaker for Regulating the Intensity of and Rectifying Electric Currents.
2,145,468	Jan. 31, 1939	do	Circuit Breaker.
2,172,423	Sept. 12, 1939	do	Electric Circuit Breaker.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Paul Wangemann by virtue of an agreement dated October 27, 1937 by and between Paul Wangemann and Radio Patents Corporation, which agreement relates, among other things, to United States Letters Patent No. 2,145,468,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-858; Filed, Jan. 17, 1951; 8:57 a. m.]

[Vesting Order 16727]

ALBERT KLADEN

In re: Stock owned by Albert Kladen. F-28-11630-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Kladen, whose last known address is Dresdener Strasse 20, Bremerhaven, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of no par value common capital stock of the Sheridan Belmont Hotel Company, c/o Securities Service Corporation, 105 So. La Salle Street, Chicago 3, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a Certificate numbered 1687, registered in the name of Albert Kladen, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

b. Five (5) shares of no par value common capital stock of the Sheridan Foster Building Company, c/o Securities Service Corporation, 105 So. La Salle Street, Chicago 3, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a Certificate numbered 954, registered in the name of Albert Kladen, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

c. Five (5) shares of no par value common capital stock of the 3500 Lake Shore Drive Building Corporation, c/o S. W. Banovitz, 111 W. Washington Street, Chicago 2, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a Certificate numbered 1587, registered in the name of Albert Kladen, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto, and

d. Five (5) shares of $1.00 par value common capital stock of the Missouri Theatre Building Corporation, c/o The Boatmen's National Bank of St. Louis, 300 N. Broadway, St. Louis 2, Missouri (as Agent under Voting Trust Agreement dated July 15, 1934 for Missouri Theatre Building Corp. $1.00 par value capital stock), a corporation organized under the laws of the State of Missouri, evidenced by a Voting Trust Certificate No. 634 dated November 7, 1934, and registered in the name of Albert Kladen, together with all declared and unpaid dividends thereon, and any and all rights to receive the proceeds of liquidation therefor, on deposit with the said Boatmen's National Bank of St. Louis since September 1948,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-864; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16731]

MR. D. KUIPERS

In re: Stock owned by Mr. D. Kuipers. F-28-31093.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That D. Kuipers, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of capital stock of Shell Union Oil Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered NY08174, registered in the name of Broekmans Administratiekantoor N. V., Amsterdam, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, D. Kuipers, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-865; Filed, Jan. 17, 1951; 8:59 a. m.]

[Vesting Order 16733]

ALTE LEIPZIGER LEBENSVERSICHERUNGS

In re: Debts owing to Alte Leipziger Lebensversicherungs. F-28-4322; D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alte Leipziger Lebensversicherungs, the last known address of which is Leipzig, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Leipzig, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured and unmatured, evidenced by the bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds, and

b. Those certain debts or other obligations, matured and unmatured, evidenced by the coupons described in Exhibit B, attached hereto and by reference made a part hereof, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Alte Leipziger Lebensversicherungs, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—BONDS

Description of issue	Bond No.	Face value
City of Memphis, Tenn., 4 percent water bonds, due 1946	290/2	[1] $1,000.00
City of Detroit registered refunding "B" bonds, called Aug. 1, 1941	Reg. 3019	1,275.00
City of Detroit registered refunding "C" bonds, called Aug. 1, 1941	Reg. 5160	850.00
	26412	141.60
	26413	106.20
	26424	177.00
	42469	247.80
	44800	177.00

[1] Each.

EXHIBIT B—COUPONS

Description of issue	Coupon No.	Face value
Coupons detached from city of Detroit 4¼ percent public utility water refunding series A bonds, due 1947, numbered A 940/59, said coupons due May 15, 1940, through May 15, 1944	20/28	[1] $3,825.00
Coupons detached from city of Detroit 4¼ percent park boulevard refunding series A bonds, due 1953, numbered 3453/67, said coupons due May 15, 1940, through May 15, 1944	14/22	[1] 2,868.75
Coupons detached from city of Detroit 4¼ percent fire refunding series A bonds, due 1953, numbered 201/20, said coupons due May 15, 1940, through May 15, 1944	14/22	[1] 3,825.00
Coupons detached from city of Detroit 4¼ percent various public improvements refunding series A bonds, due 1957, numbered 606/30, said coupons due June 15, 1940, through June 15, 1944	14/22	[1] 4,781.25

[1] Aggregate face value.

[F. R. Doc. 51-866; Filed, Jan. 17, 1951; 8:59 a. m.]

[Vesting Order 16963]

CHARLES (W) LAGEMANN AND FARMERS' LOAN AND TRUST CO.

In re: Trust agreement dated May 17, 1922, by and between Charles (W) Lagemann, grantor, and the Farmers' Loan and Trust Company, trustee, with amendments thereto. File No. D-28-10657-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hildegard Lagemann, Ralph (Rolf) Detlef Lagemann, Juergen Bernd Lagemann, Ingrid Nelda Lagemann, Maria Gebauhr, Annemarie Elisabeth Rotraut Ellen Martha Begauhr, Hans Georg Julius Friedrich Walter Gebauhr, Klaus Albers, Elisabeth Gertrud Margaretha Martha T. Gillmann, Eugen Guenther Gillmann, Eugen Gillmann, Martha Emilie Maria Ursula Gillmann, and Peter Friedrich Walter Gillmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Juergen Bernd Lagemann, of Ingrid Nelda Lagemann, of Ralph (Rolf) Detlef Lagemann, of Maria Gebauhr, of Annemarie Elisabeth Rotraut Ellen Martha Begauhr, of Hans Georg Julius Friedrich Walter Gebauhr, of Elisabeth Gertrud Margaretha Martha T. Gillmann, of Eugen Gillmann, of Peter Friedrich Walter Gillmann, and of Martha Emilie Maria Ursula Gillmann and the spouse, name unknown, of Marie Gebauhr, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That Rudolph (Rudolf) Lagemann, Susanne Barbara Clara Lagemann, Rainier Fredrich Lagemann, Frank Edgar Lagemann, Friedrich (Fritz) Karl Theodor Trommershausen, Herta Goecke Trommershausen, Gisela Trommershausen, Ingeborg Trommershausen, Helga Trommershausen, Renate Maria Trommershausen, Ursula Trommershausen, and Walter Trommershausen, and the issue, names unknown, of Rudolph (Rudolf) Lagemann, of Rainier Friedrich Lagemann, of Frank Edgar Lagemann, of Gisela Trommershausen, of Ingeborg Trommershausen, of Helga Trommershausen, of Renate Maria Trommershausen, of Ursula Trommershausen, and of Walter Trommershausen, who on or since the effective date of

Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2, and 3 hereof in, to and under or arising out of a trust agreement dated May 17, 1922, by and between Charles (W) Lagemann, grantor, and the Farmers' Loan and Trust Company, trustee, and amendments thereto, at present being administered by City Bank Farmers' Trust Company, 22 William Street, New York, New York, Eric Lagemann and Walter Lagemann both of 106 Wall Street, New York, New York, as trustees, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Juergen Bernd Lagemann, of Ingrid Nelda Lagemann, of Ralph (Rolf) Detlef Lagemann, of Maria Gebauhr, of Annemarie Elisabeth Rotraut Ellen Martha Begauhr, of Hans Georg Julius Friedrich Walter Gebauhr, of Elisabeth Gertrud Margaretha Martha T. Gillmann, of Eugen Gillmann, of Peter Friedrich Walter Gillmann, and of Martha Emilie Maria Ursula Gillmann and the spouse, name unknown, of Marie Gebauhr, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

6. That the national interest of the United States requires that the said Rudolph (Rudolf) Lagemann, Susanne Barbara Clara Lagemann, Rainier Fredrich Lagemann, Frank Edgar Lagemann, Friedrich (Fritz) Karl Theodor Trommershausen, Herta Goecke Trommershausen, Gisela Trommershausen, Ingeborg Trommershausen, Helga Trommershausen, Renate Maria Trommershausen, Ursula Trommershausen, and Walter Trommershausen, and the issue, names unknown, of Rudolph (Rudolf) Lagemann, of Rainier Friedrich Lagemann, of Frank Edgar Lagemann, of Gisela Trommershausen, of Ingeborg Trommershausen, of Helga Trommershausen, of Renate Maria Trommershausen, of Ursula Trommershausen, and of Walter Trommershausen, be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-867; Filed, Jan. 17, 1951; 8:59 a. m.]

[Vesting Order 16917]

HELENE MALCK

In re: Rights of Helene Malck under insurance contract. File No. F-28-26722-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Malck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Helene Malck under a contract of insurance evidenced by Policy No. 4 356 666 A issued by the Metropolitan Life Insurance Company, New York, New York, to Helene Malck, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Rudolph Ude, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-871; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16907]

SOPHIE BOSS

In re: Rights of Sophie Boss under contract of insurance. File No. F-28-26746-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Boss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Sophie Boss under a contract of insurance evidenced by Policy No. 15578658, issued by the Metropolitan Life Insurance Company, New York, New York, to Sophie Boss, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Henry Boss, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-868; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16910]

RUDOLF K. H. GIESE

In re: Rights of Rudolf K. H. Giese under insurance contracts. Files F-28-29659-H-1 and F-28-29659-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf K. H. Giese, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Rudolf K. H. Giese under contracts of insurance evidenced by policies numbered 898130 and 1038281 issued by the Travelers Insurance Company, Hartford, Connecticut, to Rudolf K. H. Giese, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Hermine M. Giese, a resident of the United States, of the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Rudolf K. H. Giese, and of the aforesaid the Travelers Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-869; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16918]

SHIKICHI AND KIYOKO NAKASHIMA

In re: Rights of Shikichi Nakashima and Kiyoko Nakashima under contract of insurance. File D-39-8652-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shikichi Nakashima and Kiyoko Nakashima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1533376 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tsuneo Imanishi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tsuneo Imanishi or Naokichi Imanishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-870; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16913]

TSUNEO IMANISHI ET AL.

In re: Rights of Tsuneo Imanishi et al., under contract of insurance. File D-39-18417-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsuneo Imanishi and Naokichi Imanishi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15393757 issued by the New York Life Insurance Company, New York, New York, to Shikichi Nakashima, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Shikichi Nakashima or Kiyoko Nakashima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-872; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16920]

CATHERINE M. (GOLDENSTEIN) AND LUDWIG REXROTH

In re: Rights of Catherine M. (Goldenstein) Rexroth and Ludwig Rexroth under an insurance contract. File No. F-28-30895-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Rexroth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Catherine M. (Goldenstein) Rexroth, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is

a national of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 146672 issued by the Lincoln National Life Insurance Company, Fort Wayne, Indiana, to Catherine M. (Goldenstein) Rexroth, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Lincoln National Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Catherine M. (Goldenstein) Rexroth or Ludwig Rexroth, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the said Catherine M. (Goldenstein) Rexroth be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-873; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16921]

ANNA SCHULER ET AL.

In re: Rights of Anna Schuler, also known as Anna S. Schuler, et al., under insurance contracts. Files F-28-25978-H-1 and F-28-25978-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schuler, also known as Anna S. Schuler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Schuler, also known as Anna S. Schuler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policy No. 1321799-M issued by the Metropolitan Life Insurance Company, New York, New York, to Anna Schuler, by Policy No. 9093951-A issued by the Metropolitan Life Insurance Company, New York, New York, to Anna S. Schuler, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Anna Schuler, also known as Anna S. Schuler, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Schuler, also known as Anna S. Schuler, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Schuler, also known as Anna S. Schuler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-874; Filed, Jan. 17, 1951; 9:01 a. m.]

[Vesting Order 16929]

HENRY J. VOSS ET AL.

In re: Rights of Henry J. Voss et al., under certain contracts of insurance. Files F-28-4026-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry J. Voss and Sophie F. Voss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 2,186,767A and No. 155206A, issued by the Metropolitan Life Insurance Company, New York, New York, to Henry J. Voss, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Henry J. Voss or Sophie F. Voss, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-876; Filed, Jan. 17, 1951; 9:02 a. m.]

[Vesting Order 16923]

CHUJI SHIMAMOTO ET AL.

In re: Rights of Chuji Shimamoto et al. under insurance contracts. File No. F-39-6687-H-1 and File No. F-39-6687-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chuji Shimamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees

and distributees, names unknown, of Chuji Shimamoto, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 92281814 and 92281820 issued by the Prudential Insurance Company of America, Newark, New Jersey, to Chuji Shimamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid the Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Chuji Shimamoto or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Chuji Shimamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Chuji Shimamoto, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-875; Filed, Jan. 17, 1951; 9:01 a. m.]

[Vesting Order 15698, Amdt.]

G. DWARS

In re: Stocks owned by and debt owing to G. Dwars.

Vesting Order 15698, dated November 15, 1950, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2c the certificate number 021436 set forth with respect to shares of common capital stock of the Phillipps Petroleum Company, and substituting therefor the certificate number 0214346.

All other provisions of said Vesting Order 15698 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-877; Filed, Jan. 17, 1951; 9:02 a. m.]